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Dedicated to every person deceased within the context of the April-June 2017 popular rebellion and their family members, who still demand for justice.

Dedicated to Lucio Segovia, social communicator and educator who spent his life fighting for quality education and a better Venezuela.

Dedicated to Ricardo Colmenares, lawyer and consulting member of Provea. He placed his knowledge at the service of human rights, mainly for the defence of environment and indigenous peoples.

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Foreword

2017 was a terrible year. The Living Conditions Survey (ENCOVI, acronym in Spanish), carried out by three of the most important universities in Venezuela, showed that poverty had risen from 48.4% in 2014 to 87% in August 2017. The research indicates that 80% of the interviewed said they had eaten less in the previous 3 months because they could not get food. 60% said they had gone to bed hungry for not getting food. As a result of this basic sustainability crisis, hundreds of thousands of Venezuelans have left Venezuela, causing a migration crisis in the region that generates a series of new challenges in terms of Human Rights (HR).

These conditions are the result of deterioration, not only of a state control model on the economy that has brought distortions and corruption, but of democratic institutions, which has left the population without the power to change their course. In 2017, the widest and longest protest cycle, not only in the Chavism period but in Venezuela's history, was lived. During four months, from April to July, there were more than 9,200 protests. In the context of these protests, the Public Ministry recorded 124 deaths, out of which 46 could be attributed to the security forces and 27 to armed civilian groups. During this cycle of protest, more than 5,000 people were arbitrarily arrested, including numerous mass arrests. Also, more than 101 complaints of torture were received during this period of protests.

In its December 2017's Special Report on Venezuela, the Inter-American Commission on Human Rights (IACHR) criticises the reforms made to the regulatory framework of the protests in Venezuela, which restrict the right to social protest, forcing protesters to obtain prior permits and permanently banning

demonstrations in certain areas - although such prohibitions are usually applied differentially depending on the political sector that protests. Likewise, the report of the IACHR criticises the militarisation of protest control and the official stigmatisation that calls all protests “terrorism.” These two circumstances facilitate and justify the excessive use of force. All this surge of repression coincides with the implementation of Plan Zamora, which seeks to involve civilians in security tasks along with the security forces, and with the reiterated and arbitrary declarations of states of exception.

The trigger for the 2017 protest cycle was the ruling of the Supreme Court of Justice (TSJ, acronym in Spanish) granting itself powers of the National Assembly (AN, acronym in Spanish). In a few days, street protests and repression spread throughout the country among the people whose efforts to express themselves electorally had reached an unworthy end in October 2016, when the National Electoral Council (CNE, acronym in Spanish) suspended the possibility of a referendum. This cycle of protests took more momentum when, at the end of April, Nicolás Maduro convened a constituent assembly without respect of Article 347 of the 1999 Constitution that grants that right exclusively to the people. The Electoral Council, controlled by the executive branch, immediately accepted the call and proposed extremely biased electoral bases, designed to ensure the overrepresentation of the official coalition.

The Venezuelan opposition correctly refused to take part in an anti-constitutional electoral event and did not present candidates for the election on July 30. According to Smartmatic -the company that designed and made maintenance to the electronic electoral platform-, the CNE committed fraud in regard to the vote totals of that election. The electoral institution said that more than 8 million had voted, when in fact, according to the company, the total amount of voters was, at the very least, 1 million fewer voters. These abuses, along with other violations to the electoral law, such as having closed or moved electoral centers 48 hours before the governors’ elections in October, discouraged a good part of the citizenship and made it abstain. As a result, an unpopular government was able to win 17 of 23 governorates. In the election of Bolívar state -where the candidate Andrés Velásquez won by a narrow margin- the CNE committed pure and simple fraud, annulling acts and changing votes. The five elected candidates of the opposition were forced to take their oath before the illegitimate National Constituent Assembly (ANC, acronym in Spanish). One of the elected governors, Juan Pablo Guanipa, refused to take such an oath and his election was canceled. In December, the CNE repeated that election, resulting in a win for the official candidate.

A terrible year could not have any other result but a terrible end, with the approval of the Constitutional Law Against Hate by the fraudulent ANC. This law punishes people who incite hatred or violence by means of communication with

penalties of up to 20 years in prison and allows the registration of organisations that “promote fascism” to be revoked.

The tragedy Venezuela is experiencing demonstrates once again the interdependence and comprehensiveness of human rights. The emergence of human rights discourse, legislation and movement in the 20th century, in the post-war period, coincided with the cold war between the western democracies and the socialist countries of the Soviet bloc. One of the effects of the Cold War was a dilemma toward human rights. While Western countries emphasised civic and political rights and criticised Eastern countries for not respecting them, Eastern countries spoke of their achievements in terms of economic, social and cultural rights and criticised the West for their levels of poverty and inequality.

The tension between inequality and freedom is as old as the notion of rights. Likewise, the criticism of civic and political rights as bourgeois partialities has its origins in Karl Marx’s criticism to the Declaration of the Rights of the Men and to the Citizen of the French Revolution. But, although old, this tension persists in the current discussion on the defence of human rights. The most common criticism is that achieving the true enjoyment of civic and political rights requires the satisfaction of economic, social and cultural rights. A person can have freedom of expression, but if it lacks sustenance, health and education, freedom can hardly be advantageous. On the other hand, which can be seen in the period of the Chavism, the deterioration of civil and political rights can undermine achievements in economic, social and cultural rights.

The 1999 Constitution guaranteed the full spectrum of civic, political, economic, social and cultural rights, and represented an important achievement. Nonetheless, in practice and over time, the old dilemma began to emerge. In 2012, during the peak of Chavism, Provea published a special report titled “15 years in Human Rights: Social Inclusion, Political Exclusion.” This report compiled a series of statistics demonstrating the progress that the government of Hugo Chávez had made with respect to poverty, access to education, health and nutrition. But, on the other hand, it documented the rise of provisional judges, the attempt to build a communicational hegemonic state and the growing criminalisation of protest. This special report effectively revealed the classic human rights dilemma considered as a game of “zero sum:” achievements in social and economic rights correspond to a curtailing of civil and political rights.

Shortly after, the interdependence of human rights became visible. In 2013, Provea began to warn about the increasing levels of food shortages and the lack of medical supplies. In 2014, the alarm rang when the Ministry of Health stopped publishing its epidemiological bulletin. In 2015, Provea denounced the dismantling of the Ministry of the Environment and the weakening of environmental controls that would later lead to the creation of the Mining Arc, which threatens the pristine ecosystems and fresh water sources, all with the objective of increa-

sing the funds available to the government. In 2016, Provea warned that Nicolás Maduro's government, not only had become authoritarian, it was also a factory of poverty. The same way neoliberal governments did in the 80s and 90s, the government has resorted to repression in order to try to control the social discontent produced by the impoverishment of the population.

It is not necessary to be free of basic needs to exercise fundamental political and civic rights, as it has been said from the left wing; but also, the violation facilitates the non-fulfilment of basic needs. It is precisely because of the deterioration of democratic institutions that the Venezuelan population no longer has the power to change the one who governs. And it is because the corrupt regime of Nicolás Maduro cannot change that he can continue to seize the resources of Venezuelans. As the IACHR has said:

“Through popular participation, those who are denied of their economic and social rights can take part in decisions related to the allocation of national resources and the establishment of social, educational and health programs. The popular participation, objective of representative democracy, guarantees that all social sectors participate in the formulation, application and revision of national programs.”

As Provea's 2012 Special Report showed, the social and economic achievements of the Chavism were undeniable. But for a progressive project to be sustainable, it must be accompanied by the recognition and respect of the full spectrum of human rights. It is through the feedback and pressure exerted by an empowered and fearless citizenry that public policies can be guided and tragedies like the one Venezuela is experiencing today can be prevented.

David Smilde

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During 2017, the consequences of the measures taken by the Nicolás Maduro government in 2016, which distanced their management from democracy, materialised. As developed by Programa Venezolano de Educación-Acción en Derechos Humanos (Provea) in its Annual Report January-December 2016 - Situation of Human Rights in Venezuela, after losing by a two-million-vote margin the December 2015's parliamentary elections, the government decided not to convene more electoral processes until it obtained the formula to obtain favorable results, despite not having the support of the majority of the population. The two milestones were the approval of a state of emergency and economic emergency decree in March 2016, and the suspension of pending electoral events, in October that same year. Previously, the judges of the Constitutional Chamber of the Supreme Court of Justice (TSJ, acronym in Spanish) had been irregularly renewed, which tried to provide legal appearance to arbitrary decisions.

The rupture of the constitutional thread, coupled with the critical economic situation, generated a cycle of protests from April to July 2017, due to its quantity and extension, the most important carried out in Venezuela since the beginning of the Bolivarian administration in 1998. In order to face them, the government systematically violated the human rights of the population, abolishing the 1999 Magna Carta by fraudulently imposing a National Constituent Assembly (ANC, acronym in Spanish). The mixture of physical, symbolic and political coercive measures, as well as the manipulation of electoral conditions in the 2017 elections, generated the conditions that the Executive sought: to win the elections as a minority.



During 2017, Provea registered the worst human rights indicators since 1989, date on which we began the preparation of the annual report. In Venezuela, there is no armed conflict or war formally, but there are as many victims as if there were. The complex humanitarian emergency, institutional violence and insecurity have turned the right to life into the most violated right. People's health deteriorates irreversibly due to hunger and lack of medication, for not receiving timely and adequate medical attention, for institutional violence under the modality of police or military executions, as well as for the excessive use of force and death by the action of crime.

During the period covered by this report, the Venezuelan population continued to experience the deterioration of their quality of life. But, at the same time, it was the star of the first Venezuelan popular rebellion in the 21st century. Nicolás Maduro's response was to assume an indolent attitude toward suffering, ordering his military and police forces to resort to the excessive use of force in face of social protest and strengthening his dictatorship by fraudulently imposing a National Constituent Assembly, whose actions ignore the 1999 Constitution of the Bolivarian Republic of Venezuela.

In this context, a new phenomenon was consolidated in the last semester of the year: the mass emigration of Venezuelans, mainly to the neighboring countries Colombia and Brazil, but with varied destinations in other countries of the continent. A crisis that does not capture the attention of the authorities, as reflected in the denial of the situation expressed by the Ombudsman's Office itself:

"It is not true that Venezuela is a country of emigrants. Venezuela is still a receiving country of immigration [...] the flow of people who enter is greater than that of the people who leave."¹

At the same time, political instability and institutional deterioration have progressed, making it increasingly difficult for victims of human rights violations to go before instances where they can claim their rights and demand justice. What we warned for the past two years was emphasised: In Nicolás Maduro's government, there was a situation of social and political exclusion, strengthening inequalities, increasing discrimination and reducing the participation in public affairs to its minimum expression.

The Venezuelan crisis reiterates the link between democracy and human rights

The deterioration of democratic institutions in the country catalysed the poverty increase in Venezuela. The fact that both dimensions were developed parallelly during 2013 is not a coincidence, as it ratifies the link between the existence of a democratic society and the possibility of enjoying quality of life for broad sectors of the population.

According to the United Nations, democracy provides the natural environment for the protection and effective realisation of human rights. The essential elements of a democracy would be the values of freedom, respect for the entire set of human rights and the implementation of periodic and genuine elections through universal suffrage. Dr. Rodolfo Cerdas, in his text *Democracy and Human Rights* published by the Inter-American Institute of Human Rights, states that, as minimum characteristics, a government that would like to qualify as democratic must have: 1) Free, periodic, competitive elections, in conditions of civic equality; 2) Rule of law with distribution of powers independent of operation and a system of balances, checks and counterparts; 3) Public freedoms that guarantee freedom of thought, information,

expression, mobilisation, organisation and petition; 4) A social order oriented to justice, where citizens have access to fundamental rights such as education, culture, safe and well-paid work, housing, etc. In the 2017's Venezuela, none of these dimensions existed, as it will be described in this report.

The installation of a fraudulent National Constituent Assembly (ANC) that exceeding its original functions -discussion and approval of a new Magna Carta-, coupled with its illegitimacy of origin, has become a power superior to the President and other public powers, calling elections, dictating laws and ordering arrests. It has taken away from ordinary citizens the possibility of demanding the enjoyment of their rights. As we noted in previous reports, impunity has become the norm for the functioning of the current system of justice administration. The erosion of the mechanisms that balance, check and counterweight has allowed the abuses, irregularities and omissions of public officials by not investigating and sanctioning them. The accumulation of bad decisions in the state administration has caused a crisis in the provision of basic services, described in different chapters of this report. The inability of the citizens to exercise their political rights, such as the social comptrollership or vote freely to demand rectification in public policies, has generated a favorable context for the sudden increase in the conditions of misery and exclusion that force more and more Venezuelans to leave the country.

At the beginning of President Hugo Chávez's administration, especially at the beginning of the social policies called "Missions" as of 2004, it was argued that given the existence of limited resources, there was a need to focus assistance programs on the most disadvantaged sectors of society, applying the principle known as "positive discrimination".

Although this policy had favorable short-term results for the reduction of poverty rates, the development of a personality cult for the president quickly transformed the positive discrimination into a growing discrimination for political reasons.

In this process, however, it could be affirmed that the popular sectors had a level of response from the institutions to their claims. That situation has changed drastically under the Nicolás Maduro's management. Political discrimination for the access to social benefits has become a state policy, publicly announced without any disguise: "For democracy, for freedom, it's a two-way street: I receive my social right to work, to study, to pension, but I give you my vote," said Nicolás Maduro in his re-election campaign. On the other hand, institutions, including the system of justice administration, have failed to respond to citizen demands, including the popular sectors identified with the ruling party.

Except for political disloyalty, Venezuelan officials are not sanctioned in any way, administratively or punitively, for the omissions or excesses in the exercise of their duties. An example is the permanence of Iris Varela in the position of Minister of People's Power for the Penitentiary Service of Venezuela, even despite the different massacres that have occurred under her management in the prisons of the country, among which we can mention the massacre of Puente Ayala in Anzoátegui state or the Judicial Detention Center in Amazonas. The same can be said of General Gustavo González López, who has a wide range of human rights violations because, as Minister of the Interior, he personally led the Operation of People's Liberation (OLP, acronym in Spanish), in which hundreds of illegal executions and raids were carried out, and the housing of



more than a thousand families were destroyed, leaving them on the street.

From the increase in poverty to the Complex Humanitarian Emergency

We have been warning in recent years about the worrying poverty increase in the country. According to the official figures, 33.1% of households were poor in 2015; it means, a total of 2,434,035 households were in a situation of exclusion at a time in which inflation was 180%. In 2017, Venezuela would reach the highest level of inflation in the world, according to the Parliament: 2,616%. Despite the absence of official figures, it is possible to affirm that poverty continued to increase. The Survey of Living Conditions (ENCOVI, acronym in Spanish) -a study conducted by the three main universities in the country- indicated that by 2017 a figure of 87% of the population should be considered poor. According to the study, extreme poverty was 61.2%.

A symptom of the exacerbation of misery was media reports, almost every week, about death of children by malnutrition. The Maduro's dictatorship has been consolidated as a factory of poverty. He incorporated social exclusion to the political exclusion, which he inherited from Hugo Chávez. In 2017, there were more poor people than in 1998, when the so-called "Bolivarianism" -through the means of electoral route- assumed power. This indicates the total failure of a political project that increased poverty on behalf of the poor. Vindicating equality, it increased inequality and in the name of social justice it extended the injustice.

The incessant increase in prices pulverised family incomes and condemned not only millions of families to see their living conditions deteriorate, but to coexist with hunger on a

daily basis. At the same time, the deterioration of public health services and the shortage of medicines worsened. Millions of people were subjected to a deterioration of their health conditions due to the impossibility of acquiring medications for their treatment or being adequately treated in the public health system, being particularly serious for patients with chronic diseases.

The government denies the seriousness of the problems and, instead, its high spokespersons affirm that Venezuelans have their health and food assured. Official indolence in the face of the humanitarian crisis contributed to the worsening and the increasing of the death toll.

The human rights organisations and diverse health personnel demanded the opening of a humanitarian canal that would help social organisations, international institutions and governments support the Venezuelan population, especially in the delivery of medicines. The government rejected the request and gave it a political turn, arguing it was a strategy led by the United States government to intervene in Venezuela. Thus, in a forceful way and focusing on the nation security and not on the humanitarian situation, it closed all possibility of entering aid.

Due to the evolution of the Venezuelan situation, the NGOs have described the crisis as a Complex Humanitarian Emergency. International standards of protection in human rights describe Complex Humanitarian Emergencies as situations in which the cause of the emergency and assistance to those affected are largely linked to a political origin, and not to a war or natural catastrophe. They are characterised by their instability in a variable degree that can reach, in extreme cases, the collapse of the national authority. This translates into a loss of

administrative control and inability to provide vital services and protection for the population.

All financial analysts coincide with the deepening of the economic crisis in the country. The uncertainty and lack of prospects to reverse it have caused different officials and militants of the same ruling party to choose joining the wave of migration in the search for better living conditions abroad.

A deepening in the economic crisis is foreseen. One of its indicators is a hyperinflation never lived in Venezuela. The hyperinflation, the scarcity, the unemployment and the poverty are a consequence of the economic policies that Chávez adopted in times of high oil revenues, and Maduro continued:

“The main objective has been to intervene and control the economic dynamics of the country. Strategy that, in addition, included a message in the name of the people and in favor of those who need it the most. The actions were directed to control fundamental aspects of economic activities and dynamics, for example: price controls, production control, inventory control, distribution control, capital market control, control of the financial system, exacerbated control in the exchange rate, control and monopoly in imports and exports, massive expropriations in all economic sectors of the country, creation of parafiscal funds (Chinese Fund, Fonden, Fondespa, etc.), exponential growth of public indebtedness and even autonomy loss of the Central Bank of Venezuela, jeopardising the monetary stability of the country”.

The Food Basket of November 2017 cost Bs. 3,822,128.50. The regular worker can barely buy 4.6% of the food basket with the new minimum wage (MW) in force, which re-

flects the drastic fall in the purchasing power of their salary. A family would require 21.5 MW to cover only their basic expenses in food, considering the MW of Bs. 177,507.44, in force as of 01.11.17.

The desperate situation of families with fewer resources is reflected in the number of people who have died from ingesting bitter cassava, a variant of the tuber that needs a long process to extract its toxic components. According to the data compiled by Provea, from 2015 to February 2018, 61 people have died due to bitter cassava poisoning. This figure would have decreased if the health centers had had the necessary supplies to care for these people.

The Dictatorship crushed the Popular Rebellion at a high cost of lives and thousands of arbitrary arrests

From April to July, the first Popular Rebellion of the 21st century took place in Venezuela. In large, medium and small towns, the anti-democratic policies of the government were rejected on the street and a change was demanded. Diverse generations of people found themselves in the same avenues, streets, squares and urbanisations, raising their voice peacefully. Traditional forms of protest were combined with creative ways of calling and resisting repression. Young people from different social sectors and professions led the street actions, and there was a broad participation of women. According to data presented by representatives of the Venezuelan State at the hearings of the Inter-American Commission on Human Rights (IACHR) held in October 2017 in Montevideo, from 1 April to 30 July there were more than 9,200 protests in the country: a surprising average of 77 manifesta-



tions a day.

The popular rebellion from April to July 2017 was a massive and widespread protest movement that used the “Non-violent protest” as a fundamental strategy. The demonstrators developed strategies that gave the cycle of manifestation their particularities, generating symbols of peaceful resistance that made headlines of media around the world. It had a leadership shared between the people and the political actors, mainly of the political parties coalition Mesa de la Unidad Democrática (MUD), represented in the younger members of the National Assembly (AN). Unlike generations of previous activists, whose models came mostly from the Marxist left, the present generation of activists had other references on good and evil, which came from digital culture, video games, graphic novels, television series (for example, Game of Thrones) and films, as well as more recent conflicts such as the Arab Spring and the local protests of 2014. In the face of communicational hegemony and censorship, the indignation of the crowds built their own channels of information.

The Maduro dictatorship responded to the social protest with unprecedented repressive brutality, using the police, armed forces and paramilitary groups. According to the monitoring done by Provea, 139 people died in the context of the protests and 3,802 people were injured. Given the stalemate in the investigations, it is presumed that the public force and especially paramilitary groups -at the service of the government- killed the majority of these people. During the conflict, Provea gathered information on at least 69 cases throughout the country in which paramilitary groups attacked against demonstrations. Investigative journalists have calculated that at least 83 people would have been killed by state agents. Police

and military officials, as well as other civilians, allegedly have also died as a result of protesters’ actions. Provea has demanded the investigation and punishment for all the cases; However, impunity for the majority of the cases prevails at the close of this report.

The dictatorship resorted to the excessive use of force to contain the rising rebellion that added more and more people and challenged the repression. Samples of heroism and creativity were experienced in the confrontation with the police and military forces. Massive arrests of an arbitrary nature took place and the use of military justice to prosecute civilians was unconstitutionally strengthened: in just four months, the government processed the same number of civilians in military courts as in the previous 39 years.

The popular rebellion demanded five requests: electoral calendar, release of political prisoners, respect for the National Assembly and opening of the humanitarian canal. Although it was defeated, it achieved other unforeseen objectives: it positioned Venezuela’s crisis on the international agenda, unmasked the authoritarianism of the government and evidenced the dictatorial nature of Nicolás Maduro’s management.

After the withdrawal on the arbitrary imposition of constituent fraud, there was confusion, depression and disorganisation of the popular movement. This situation was exploited by the government to selectively repress some leaders of the protests and create, through the constitutional dictatorship, a legal framework to intimidate and further persecute dissent. According to the Criminal Forum:

“The number of arbitrary arrests closed as of 31.12.17 in 5,517 arrested people, 760 civilians were accused by prosecutors and mi-

litary judges, 118 of these prosecuted people remained behind bars by the end of December. 554 civilians were formally deprived of their liberty because of decisions issued by military courts”.

The United Nations High Commissioner for Human Rights (OHCHR), in its report on the violations of the protesters, denounced that the government systematically resorted to mistreatment and torture against persons deprived of liberty for participating in the protests:

“Detainees have often been subjected to cruel, inhuman or degrading treatment or punishment and, in several documented cases, ill-treatment has constituted forms of torture. Among the documented ill-treatment are the use of electric shocks, heavy beatings, postures that cause stress, suffocation and threats of sexual violence and death; with the aim of punishing, humiliating and terrorizing the detainees, as well as extracting confessions and information about alleged anti-government activities.”

The denomination of “systematic and generalised” for human rights violations that occurred in our country, by the body with the most authority in the matter worldwide, defined that the allegations of abuse of power were not individual actions of officials, but rather that there was an order that allowed the events to be repeated in different locations and dates.

The abolition of the 1999 Constitution to cool the street and deepen the dictatorship

On 01.05.17, in midst of the protests to reject his administration, Nicolás Maduro announced the summons to a fraudulent ANC: “According to article 347, I call on the original constituent power so that the working class and the people in a popular process convene

a National Constituent Assembly.” Unlike the constituent process of 1999, where a referendum was held so that people could agree or disagree with the call to an ANC, Maduro imposed this mechanism as a strategy to end the protests and take the absence to a new level of democracy in the country. Paradoxically, the constituted power (the government) supplanted the constituent power (the people) in the approval of the initiative. Maduro even defined the issues to be debated in the instance.

The objectives of an ANC are established in Article 347 of the Constitution: “Transform the State, create a new legal order and draft a new Constitution” (emphasis added). The government took the decision to terminate the validity of the 1999 Magna Carta, the main legacy of Hugo Chávez, to create a new legal framework that would end the popular rebellion. The elections to choose those who would form the ANC were set for 30.07.17.

The election of the constituents had a response from the National Electoral Council (CNE) different from that of the elections suspended in October 2016. The Venezuelan Electoral Observatory (OEV) said:

“With unusual speed, the Electoral Power responded to the Executive’s proposal in four hours and established that executing it would take only 60 days. A deep contrast with the organisation of the presidential referendum - requested by the opposition in the first four months of 2016 - when it established that it would require more than 300 days, even though it was a much simpler choice. Thus, the CNE for this election removed from the electoral calendar 70 activities and called to run before concluding the discussion of the text presented by President Nicolás Maduro and before formally publishing the call, as established in Article 42 of the Organic Law of Electoral Processes.”

According to the OEV, this process would be carried out with different irregularities:

“Eliminated 14 audits planned to generate confidence in the Automated Voting System, reduced the number of polling stations to almost half, enabled contingency centers that do not ensure the principle of ‘one elector, one vote’ and endorsed some exclusionary and discriminatory electoral foundations, which were not submitted to a consultative referendum.”

On the night of 07.30.17, the Head of the CNE Tibisay Lucena affirmed that 889,820 voters had participated in the ANC elections, 41.53% of the electoral roll. On these results the OEV expressed:

“Estimates made with sophisticated statistical procedures, most of the national pollsters and the perception that could have any citizen who had seen different polling stations, seem to agree that the figures presented on Sunday night by the CNE are bulky.”

The lack of confidence in the results announced was confirmed on 02.08.17, when Smartmatic, the company that was traditionally in charge of the country’s electronic voting system, said at a press conference in London that “the difference between the announced quantity and the one that the system shows is of, at least, one million voters.”

The management of the fraudulent ANC was constituted by Delcy Rodríguez in the presidency, Tania Díaz in the first vice presidency, Elvis Amoroso in the second vice presidency and Fidel Vásquez in the secretariat, for a total of 545 constituents.

Elections to governors: a formula for winning as a minority

After its installation, the fraudulent ANC proceeded to call regional elections for Oc-

tober 2017, which should have been held in December 2016. The first irregularity was the decision of the TSJ that prevented the replacement of candidates, who had to register within the deadline by the CNE before the primary of the opposition parties. The postulates that were not winners resigned to the candidacies, asking to be replaced by others. The TSJ declared it “inadmissible because it was untimely”, violating the provisions of Article 62 of the Organic Law of the Electoral Power. According to the opinion of the OEV,

“It is a surprise decision, taken at the last minute, after a prolonged suspense, conducive to generating doubts and bewilderment, and which obviously harms the free exercise of the right to suffrage, by confusing the voter in the act of voting.”

This would be the first of a series of decisions whose objective was to discourage the exercise of the vote in an important sector of citizenship, critical of “Bolivarian” management. With three days left to vote, on 12.10.17, the CNE announced the relocation of 205 centers in 16 states of the country, where 300,000 voters were registered. The OEV thought the decision was.

“One more element of the set of irregularities that has characterised the development of these elections from the moment they were convened, highlighting a biased referee who, far from encouraging and facilitating citizens’ exercise of their constitutional right to manifest themselves, turns the act of voting into an obstacle course that ostensibly detracts from the quality of the electoral process.”

The results announced by the CNE reflected the participation of 11,035,898 people, 61% of the electoral roll. 55.07% of the votes went to the Grand Patriotic Pole (GPP), which won 18 governorates, while the MUD would

get 44.31% of the votes, for 5 governorates.

Finally, the OEV enumerated a series of 17 irregularities present in the electoral process that included the illegalisation of 42 political parties, disqualification of cards of political parties in some states, delay in the publication of the electoral chronogram, reduction to two days of the lapse to register candidacies, the national and international independent electoral observation was impeded, and the use of public resources for the promotion of official candidacies. We must add that a week before the voting ceremony, Nicolás Maduro announced that the winners in the regional elections should be sworn in before the fraudulent ANC, an organisation that generated widespread rejection in the opposition base and would discourage the exercise of the vote. Likewise, there were different reports of acts of harassment, harassment and robbery by groups of motorcyclists affected by the government in the vicinity of the polling stations, especially those who had been relocated at the last minute, which also contributed to an indeterminate number of electoral potentials that could not exercise their right to vote.

Two cases showed that the conduct of the CNE was different from that which it had maintained in the electoral elections until 10.12.15. On the one hand, it altered the results in the Bolívar state, as evidenced by the minutes presented by the candidate Andrés Velásquez, who was finally declared loser by a margin of less than 1%. In addition, it reversed the result in the Zulia state, the second most important in the country, when the winning candidate Juan Pablo Guanipa refused to take an oath before the fraudulent ANC, an illegal and unconstitutional requirement. It must be recognised that the claims of Velásquez and Guanipa were not strongly accompanied by

the opposition coalition.

Despite the widespread rejection of his administration, Nicolás Maduro had rightly rehearsed a formula to win elections by being a minority, by outlawing candidates and parties, preventing and discouraging the exercise of the vote, and finally altering and reversing results. After having suspended electoral processes, the Executive rushed to convene political events. Once again, the ANC announces an election date, informing that 10.12.17 will be held for the 335 mayors of the country, as well as to repeat the selection of the governor of Zulia state. According to the data revealed by the CNE, 9,139,564 people participated in the elections, with 71.31% of the votes for the ruling coalition, which won 306 mayorships, and 2,622,058 votes for the opposition, which would get 25.

From that moment, different analysts predicted that the presidential elections of 2018 would be advanced for the first semester, when they should be held legally in December 2018. The facts confirmed it.

Sectors of the international community understood that in Venezuela is going through a dictatorship

One of the legacies of the Popular Rebellion was to make known to the world the dictatorial character of Maduro's government, and the grave and systematic violations of human rights that it perpetrates. A greater number of governments, international institutions and political and social organisations in the world were sensitised to the situation in the country. Both the IACHR and OHCHR and several of the Rapporteurs of the Human Rights Council spoke out, condemning the repression and demanding respect for the rights



of the population. The Organisation of American States (OAS) and particularly its Secretary General Luis Almagro carefully monitored the situation and condemned the government's abuses. However, in spite of the Secretary General's insistence on the application of the Inter-American Democratic Charter, it did not materialise, but there were interesting debates about the institutional violence of the government against the Venezuelan people.

On 03.04.17 the Permanent Council of the OAS issued Resolution 1078 (2108/17) by which it declared that in Venezuela the constitutional order had been violated:

“Expressing its deep concern over the unconstitutional alteration of the democratic order in the Bolivarian Republic of Venezuela and our continued support for dialogue and negotiation to bring about a peaceful restoration of the democratic order, it states that:

1. The decisions of the Supreme Court of Venezuela to suspend the powers of the National Assembly and to arrogate them to itself are incompatible with democratic practice and constitute a violation of the constitutional order of the Bolivarian Republic of Venezuela. Despite the recent revision of some elements of these decisions, it is essential that the Government of Venezuela assure the full restoration of the democratic order.

Resolves to:

1. Urge the Government of Venezuela to act to guarantee the separation and independence of the constitutional powers and restore the full authority of the National Assembly.

2. Remain willing to support measures that allow the return to democratic order through the effective exercise of democracy and the rule of law in the constitutional framework of Venezuela.”

In its Third Report on the Situation of Venezuela, presented on 07.07.17, the Secretary General said:

“That violence is not the result of chance. The measures adopted by the Government are deliberate. They apply a well thought-out and methodical strategy; a policy that every day takes one or two fatalities among the protesters. They are strategic and systematic actions directed against a disarmed civilian population. The audacity of the regime and the ferocity of the tactics employed are accentuated. Each day that passes, it does not stop increasing the number of citizens injured or arrested. The death toll continues to grow [...] The calculated and tactical form of violent repression has characteristics that could be classified as crimes under international law. The systematic attack against the civilian population is the main defining element of crimes against humanity.”

In their greater knowledge of the serious human rights violations committed by the dictatorship, international organisations condemned the government's use of paramilitary groups to attack the population. Thus, OHCHR, in the aforementioned report on violations of rights in the context of protests, indicated:

“OHCHR received numerous consistent testimonies indicating that the armed groups operate with the consent of the security forces and local authorities, and sometimes in coordination with them. The security forces have not protected people from the action of the armed groups, and in fact, they have left the place when these groups arrived or have not done anything to stop them.”

Within the OAS, a group called the Lima Group was formed on 08.08.17, made up of Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Mexico,

Panama, Paraguay and Peru. In their first statement they expressed:

“1. Their condemnation toward the democratic order breakdown in Venezuela.

2. Their decision not to recognise the National Constituent Assembly, nor the acts emanating from it, due to its illegitimate nature.

3. Their full support and solidarity with the National Assembly, democratically elected.”

Venezuela, part of the new post-Cold War authoritarianisms

The weakening of the democratic institutionalism, the absence of independence of the public powers, co-optation of the judicial and electoral power, the extreme personalisation of the exercise of power, the criminalisation of protest and dissidence, as well as the erosion of the autonomy of the movements popular, are not exclusive phenomena of Venezuela. After the end of the Cold War these characteristics, which would describe any government as authoritarian, have been appearing and worsening in different countries of the world, with different influences and ideological referents. Situations similar to the dimensions of the Venezuelan crisis can be detected in countries of the region with a certain affinity with Chavez, such as Nicaragua or Bolivia, but also in other latitudes with diametrically opposed regimes, such as Turkey and Cambodia.

Although the Venezuelan crisis is the result of the administration of a government that claims the discourse and the way of doing - and with it, the errors - of the previous experiences of the so-called “real socialism”, the weakening of the democratic fabric, and with it the institutions that the company must supervise, is not exclusively adjudicable to a hyperideologised “left” management. Understanding this is a simplification that ignores the

global tendencies of expanding authoritarianism, of which Donald Trump is one of his most recent symptoms.

The spread of progressive governments in Latin America coincided with the reaction of different countries on the continent to the onslaught of neoliberalism against social conquests during the 1990s. The triumph of Hugo Chávez in Venezuela in 1998, which over the years he announced to be the vanguard of the “Socialism of the XXI Century”, was the first of a series of bureaucratic state exchanges that generated broad expectations about a possible update of the revolutionary proposal of the previous century. For many social and popular movements in the region, but also for human rights organisations, their work agenda and demands went on to prioritise the defense of these governments in the hope that their consolidation would mean an increase in concrete guarantees for human dignity.

The consequent polarisation of the conflict between progressivism and its critics had one of its most important holdings in the struggle traditions with experience in the resistance to the neoliberal decade. However, the most obvious contradictions of progressive authoritarianism could emerge and remain, precisely because of the absence of criticism of the popular field and, what should be evaluated at another time, of Latin American human rights reference organisations. The left-right Manichaeism hindered the questioning and was functional to a narrative that allowed the violation of human rights by progressivism. It was also conceptually insufficient to characterise and understand the phenomenon.

One of the most fruitful dialogues developed by Provea has been with the Colombian NGO Dejusticia, which has observed Venezuela from a different position. His work



experience in what they have called “the global south” has been systematised in the book “Responding to the populist challenge: A new playbook for the human rights field,” by César Rodríguez and Krizna Gómez:

“What contemporary populists share [they argue] is not a political or economic ideology. They come both from the right (Modi, Erdoğan, Putin, Trump) and from the left (Maduro, Correa, Ortega). What distinguishes them is a combination of two features: anti-elitism and anti-pluralism. All populists are anti-elitist, but not all anti-elitists are populist. In other words, a reaction against the elites is necessary but it is not a sufficient condition for populism. The populists go further. They make a moral claim that is as radical as it is exclusive: that the opposite of the elite is ‘the real people’, to which they, and they alone, represent.”

To be abstracted from the left versus right duality allowed Dejusticia to take a decisive stand against the rupture of the democratic thread in Venezuela.

“That is the temptation and risk of populism [expressed by its director in an article for *El Espectador*]: using the majorities to undermine the rules of the Rule of Law and, ultimately, those of the democratic game, understood as the possibility of the alternation in power.”

The answer to decades of extinction of the possibility of otherness can create conditions for a transition, at any time, marked by revenge and reverse discrimination. In our 2016 Annual Report, we defended the legitimacy of the Bolivarian political identity, in the understanding that human rights violators are not a franchise of any ideology. The Venezuelan situation cannot be decontextualized from a global perspective, where the patterns of the new authoritarianisms are detected, whose legitimacy of origin is the popular vote and

not the traditional military coup. The work in more than a dozen countries has allowed Dejusticia to conclude that:

“Contrary to the view that the populists are trying to demolish the constitutional and legal ties, they invest significant time and energy to make constitutional and legislative reforms that constrain their opponents [...] On behalf of the will of the people and in the name of the democracy, populists undermine human rights, and thus promote a system of democracy without rights.”

The containment of the dictatorship must be democratic and use constitutional mechanisms

The advanced presidential elections, with the manipulation of the different conditions for the exercise of the vote, ratified the triumph formula of the dictatorship to win votes as a minority. The candidacy of Henri Falcón failed to regain confidence in the institutional capacity of the vote or in the possibility that the government respected results that were adverse, which had been warned in advance by various civil society organisations within which Provea can be found.

At the closure of this report, a few hours after the end of the elections, the measures that Nicolás Maduro would implement in a second term of government imposed by means of electoral fraud were still unknown. Although there are a few expectations regarding respect for political dissent and reasonable fears about the increase in persecution, Civil Society Organisations will insist on their demand for restitution of the measures that have worsened the economic crisis, in order to alleviate the Venezuelan families that are mostly in poverty, as evidenced by this work.

The re-election of Nicolás Maduro through illegal procedures for a period of six years

means the closing of institutional mechanisms to promote changes in the country. However, we must stay on that path, reflecting on past mistakes without falling into the temptations of adventures and violence, developing strategies of social resilience. The country has entered into a deep lethargy, and the flow of migrants abroad will increase in the short term. There is no way to face a recession of the current magnitude with a divided country.

Regional experience teaches us that authoritarianism simulates strength in its moments of greatest weakness. In 1999, Alberto Fujimori was re-elected for a third term with 80% of the votes. Less than a year later he was resigning the presidency of Peru. Despite the propaganda, the recent fraud has undermined any hint of Nicolás Maduro's international legitimacy.

Anticipating this result, and to trace a path following constitutional possibilities, Provea has been promoting the invocation of Article 233 of the Magna Carta, which provides for the resignation of the President and consequently the call for free and credible elections. The Venezuelan people want to choose, and not simply pretend to participate in an act of voting. And especially, resolve their conflicts in a peaceful way, learning from the experience of the last two decades.

Human rights organisations are committed to continuing within the country, accompanying victims and registering their testimonies. We have also understood that we must go a step further and agree with all sectors that aspire to the early return of democracy in the country.



Assessment of the Human Rights Situation



Below, there is a summary of the analysis of the human rights situation in Venezuela, from January to December 2017. The purpose of this research is to provide a diagnosis that allows more and better public policies from a human rights perspective. However, this social comptroller work, present in the Constitution, is becoming more difficult every day due to the impossibility of accessing information on the government's management, which should be public.

Provea reiterates its commitment to share its research experience with the country's new human rights organisations. Comments and contact to the following email:

investigacion@derechos.org.ve

Economic, Social and Cultural Rights





Right to Food

2017 began with a situation in the Venezuelan food system characterised by a sustained reduction of the national production, imports and food consumption, which started to generate alarming levels of acute malnutrition, social tension and an affectation in all social and economic dimensions.

Behind the great ruptures in the constitutional order occurred throughout the year, the social tension that this generated and the repressive deployment, the stateisation and the consolidation of structures guaranteed with illegality progressed towards the State and the communal economy, using food as means of territorial and political control. The movements of the State in 2017, from its role as guarantor of the right to food, were profuse, including the enactment of at least 12 regulations among provisions, laws, decrees and resolutions, as well as a more than 20 isolated programs, plans and missions that were added to the usual system of missions to have an impact on the food.

Some figures that reflect the dramatic situation of the Venezuelan food system in 2017 were: only 42% of what was planted in

2016 was sown; there was a fall of 45% in the amount of hectares harvested in corn, going from 783 thousand hectares in the year 2008, to approximately 430 thousand in 2017. The harvest of rice decreased 58% in 2017, compared to the previous year; and the sowing area of vegetables dropped 75%. Venezuela went from having about 14 million cattle heads in 2007, to about 9.5 million at the beginning of 2017. According to information from the National Federation of Poultry Farmers of Venezuela (Fenavi, acronym in Spanish), there was a reduction of 50.5% in the production of chicken meat and 54% in the production of eggs. The national consumption of sugar is 1 million 200 thousand tons and the production estimates barely reached 300 thousand tons in 2017. There was a 48% decrease in edible oil production; 40% decrease in the production of the food industry since 2015 and 20% by mid 2017. By August 2017, the food production amassed 23 consecutive months of year-on-year contraction; and there was a 38% drop in food imports, compared to 2016. At the end of 2017, the value of food imports per inhabitant fell by 72.2%, compared to 2013.

According to the estimations of the researchers of the Agroalimentary Research Center (CIAAL, acronym in Spanish), in 2017, Venezuela went through a critical failure of food energy availability, ergo, the food supply - totaling production and imports - was not enough to cover the minimum energy requirements for the entire population. It is estimated that the possible food supply (availability for human consumption of food energy/person/day) is less than 95% of the regulatory requirements established by the National Institute of Nutrition (INN, acronym in Spanish). For a nation to be considered in Food Security this sufficiency would have to be 110%.

For its part, the FAO Regional Office for Latin America marked a milestone by exposing the situation in its 2017 annual report on the Food Security landscape in the region. This work reports Venezuela as the country that showed the greater increase in undernourishment, an indicator that indicates the number of inhabitants in the nation that do not meet their minimum nutritional requirements from the national food supply. According to the calculations of the agency, 1.3 million more hungry were added to the 2016 registry in Venezuela, which sums up 1.8 million Venezuelans in situation of hunger from the guaranteed food supply. The general decline of the region's performance in its fight against hunger, according to the analysis, is mostly explained by Venezuela's situation. More than half of the people who swelled the number of undernourished people in Latin America since 2015 were Venezuelans.

The resulting damage from the violation of the Right to Food affected several dimensions that constitute in themselves other violations, among them the violation of the right to life,

to identity, to personal integrity. Such damage has been registered among Venezuelans in at least these dimensions: 9 out of 10 Venezuelans cannot afford to buy their daily food; 8 out of 10 Venezuelans said they had eaten less because they did not have enough food at home or because of shortages; approximately 8.2 million Venezuelans eat two or fewer meals a day; the traditional diet continues to lose quality and quantity, focusing on rice, corn, wheat flour and tubers.

At the end of 2017, Caritas Venezuela reported a 100% increase in the numbers of acute malnutrition in children under 5 years of age. The first records, in November 2016, which indicated severe acute malnutrition in 8% of the children, raised to 16.2% of children with severe acute malnutrition (moderate and severe). 33% of children, even recovered, showed irreversible growth retardation. 52% of these forms of malnutrition occur in children under 2 years of age.

Studies of the Bengoa Foundation, carried out in pre-school children from 3 to 5 years old from Maracaibo, Mérida and Caracas, showed that 11.7% of the evaluated pre-school children had growth retardation expressed as short -and very short- height. In nutritional risk, 14.9% of the children evaluated were registered.

The characteristic of the year was the severity of malnutrition and its associated deaths. In 2016, complaints of children with malnutrition were more frequent, but, in 2017, it becomes evident that this malnutrition began to deepen into very severe charts and take more and more lives.

Derecho a la ALIMENTACIÓN

De acuerdo a la FAO

a las personas con hambre registradas en 2016 en Venezuela, se sumaron 1,3 millones más, lo que lleva a un balance de

1.8 millones

de venezolanos en situación de hambre a partir de la oferta alimentaria que se le puede garantizar.

Aproximadamente

8,2 millones

de venezolanos ingieren dos o menos comidas al día.



9 de cada 10 venezolanos

No puede pagar su alimentación diaria.



Al cierre del 2017

Caritas Venezuela reportó un aumento de

100%

en las cifras de desnutrición aguda en menores de 5 años.



8 de cada 10 venezolanos

declararon haber comido menos por no contar con suficiente alimento en el hogar o por la escasez.



Right to a healthy environment

In 2017, the situation of the right to a healthy environment was not very different from the previous year, only that in this period the management of the governing body of the environment was directly under military command as several public entities, such as the Corporación Eléctrica Nacional (Corpoelec, the national energy company), Petróleos de Venezuela SA (PDVSA, the national oil company), the Ministry of Transport, among others; fact that has not stopped the vertiginous fall of the service quality provided to the population in recent years, such as drinking water and electricity.

There are environmental issues that have a positive assessment in the period under review, as the right of citizens to have a clean air and not have to suffer from automotive traffic. But this is not the result of actions planned by the State, rather the outcome of the economic crisis and prevailing hyperinflation that has been causing the paralysis of a high percentage of the vehicle fleet.

The MINEA's 2017 Annual Report and Account indicates that said entity promulgated and executed four legal instruments for the management of environmental quality with

the purpose of preparing, reviewing and updating the competencies on the handling of substances, materials and hazardous waste, specifically: three resolutions referring to the disposal of gravel and water-base mud, for the environmental recovery of loans; the importation of substances with high global warming potential and the evaluation parameters of petroleum pits. Likewise, the National Executive approved a Decree on the importation of substances that deplete the ozone layer, which generated a positive advance in this area, thanks to the synergy between the State and the companies in the refrigeration sector and other related industries.

The creation of a National Strategic Development Zone in February 2016, with the purpose of ordering the mining activity in the towns of southern Bolívar state, has not stopped the environmental damage. In a four-month period, from December 2016 to April 2017, around 200 hectares were deforested in the territory assigned to the mixed company "Siembra Minera." In addition, when the researchers were evaluating this chapter with remote sensors, the Bolívar state area by means of satellite images available on the internet,

spots of anthropic intervention can be observed in different spaces of the entity, including the forest reserves of Imataca and La Paragua, and even the National Park Canaima, where a dense vegetation extension predominated until recently. This suggests that deforestation and other environmental impacts of mining have been extended to the protected area, the only natural World Heritage Site in Venezuela.

In 2017, the amount of carbon dioxide (CO₂) emitted to the atmosphere at a national level was known, thanks to the publication of the 2017 Yearbook of the Economic Commission for Latin America and the Caribbean (ECLAC). In that document, which records the year 2015, Venezuela's CO₂ emissions (in thousands of tons) are 174,729.8. This figure gives it the fourth place as the most polluting in terms of this GHG gas among the countries of Latin America and the Caribbean, right behind Brazil (514,864.9), Mexico (472,005.6) and Argentina (193,458.5). They are followed by Colombia (98,688.4), Chile (80,944.4), Peru (60,356.9) and Trinidad and Tobago (45,238.7). This is especially explained by the number of outbreaks and volume of carbon dioxide emissions, along with other gases such as sulfur dioxide, which are in the facilities of the oil industry. The index in Venezuela is 5.7 tons of CO₂ per inhabitant.

On the other hand, the 2017 ECLAC Yearbook provides another indicator related to the management in the matter, the consumption

of all substances that deplete the ozone layer of 2016, whose unit is literally measured in tons of ozone depletion potential. Venezuela has 26.6, which is relatively low, since there has been a shared effort between the State and private companies in seeking to reduce the gases that impact ozone. As a reference, the values of other countries: Brazil 875.3, Mexico 557.6, Argentina 331.6, Colombia 136.2, Costa Rica 10.9, Paraguay 13.0.

In contrast to the official data, the problem with the supply of drinking water was evident and maintained during 2017, reflected in the press and in Venezuelan homes. The lack of water affected different populations of the national territory with cuts that varied from 4 or 5 days a week -something very frequent in neighborhoods and urbanisations of Caracas-, to up to more than 6 months without the precious liquid, as it happened in Valle de la Pascua, Municipality Leonardo Infante in the Guárico State, according to what has been reported in written media, as well as on social networks.

The general dissatisfaction of citizens regarding to the malfunctioning of the drinking water service and -to a lesser degree- the sewage service is observed throughout the territory and it is reflected in the neighborhood, in the homes of different families living in dissimilar cardinal points and in the denunciations and protests in the streets during the last years.

Derecho al AMBIENTE SANO



Según la CEPAL
Venezuela se ubica en el cuarto lugar entre
los países de América Latina y el Caribe
que más emiten CO2 con un total de

174.729

toneladas por año.



A pesar de la ausencia de
data oficial la problemática
con el suministro de agua
potable fue evidente
durante 2017.

Entre diciembre
de 2016 y abril
de 2017

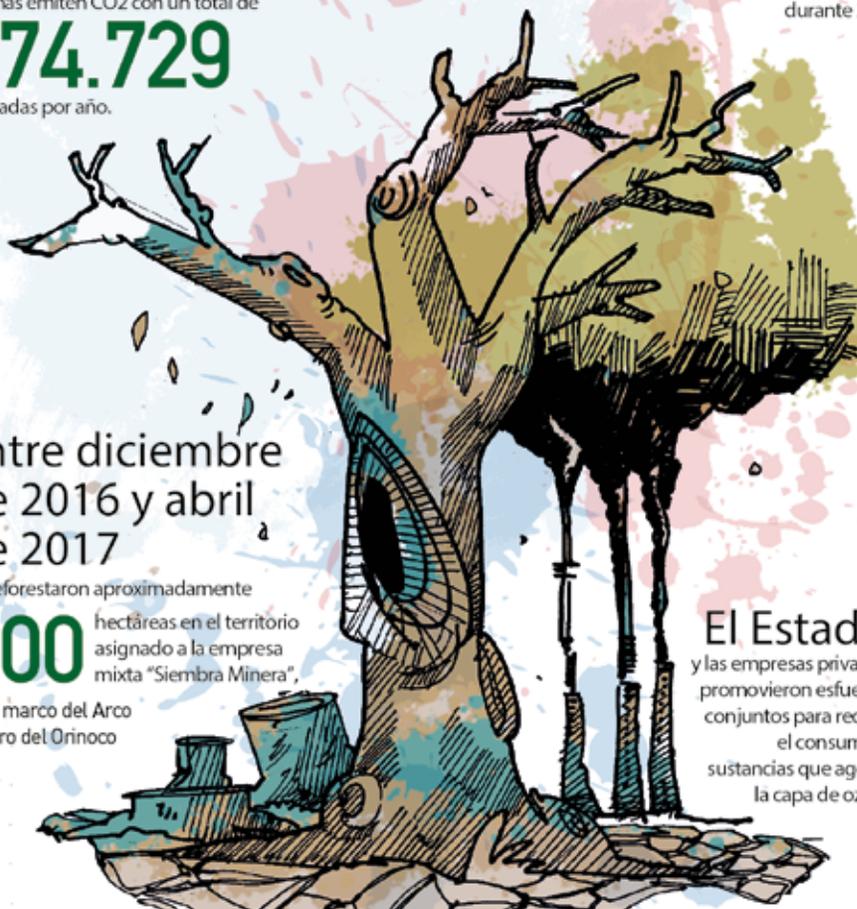
Se deforestaron aproximadamente

200

hectáreas en el territorio
asignado a la empresa
mixta "Siembra Minera",

en el marco del Arco
Minero del Orinoco

El Estado
y las empresas privadas
promovieron esfuerzos
conjuntos para reducir
el consumo de
sustancias que agotan
la capa de ozono.





Right to education

For the second year in a row, the non-publication by the Ministry of People's Power for Education and the Ministry of People's Power for Education, Science and Technology of their respective Report and Account prevents the continuity of the historical data, which took over 15 years to build in the Annual Reports that we made and allowed us to see progress, stagnation and setbacks over time. The efforts made to obtain the Report and Account, were in vain, they were not answered.

The humanitarian emergency that Venezuela is experiencing had a negative impact on the whole of the educational community. Absence and desertions of students and teachers increased. In basic education, the inefficiency in the operation of the School Feeding Program contributes to student absenteeism.

According to official data, there was a decrease in basic education's enrollment. In January 2017, the Ministry indicated that the number of students in these three levels was 7,446,515. In August, Minister Elias Jaua offered the figure of 7,195,335 students. Ergo, after only seven months, the enrollment was reduced by 251,180 students at a rate of 35,000 each

month.

In secondary education there was also a significant reduction in enrollment, according to official information. On 2 October 2017, the Minister of Education reported that 2,200,000 students began classes in secondary education. A year earlier, the education ministry had reported that the figure was 2,301,822. That is 101,822 students less.

According to the 2017 Living Conditions Survey (ENCOVI, acronym in Spanish), from 2015 to 2017, access to education among the population aged 3 to 24 years, on average, decreased from 78% to 71%. According to ENCOVI, 2,546,000 people between 3 and 24 years old do not attend any level of education. It affirms that in the surveys of 2016 and 2017 they have accounted for over a million children and adolescents aged 3 to 17 years old out of school, when the massive effort has peaked.

At the beginning of the year, the Ministry of Education advanced a process of granting permanent entitlement to a significant number of teachers, according to an official press release. In total, 42,889 teachers would benefit. We

value as positive that progress has been made in reducing the provisional nature of teachers.

The working conditions of teachers have been affected by the high inflation and humanitarian emergency that the country is going through. The devaluation of the salary is at such a level that there is a deficit of 90% of the salary with respect to the value of the basic basket.

No progress was observed in the implementation of the National Consultation for Educational Quality process results carried out in 2014. Minister Elia Jaua advanced a partial consultation process and a new study plan was announced in August 2017, in which some of the contents that Minister Rodolfo Pérez tried to eliminate were taken over once again.

As it has been happening with other social rights, the government conditions the possibility of studying in higher education with having the so-called fatherland's card. Such method constitutes an act of right denial because of political discrimination, the imposition of the fatherland's card as requirement, excluding all those students who, exercising their right to conscientious objection and disagreement with the government, are not motivated or interested in obtaining the aforementioned card that the government has insisted on associating with its partisan interests.

The official figures of people studying in higher education amount 2,850,000. The humanitarian emergency also affects young university students and teachers. There is a growing desertion of both teaching staff and students. The low salaries teachers receive force them to emigrate to other jobs or out of the country. On the other hand, students -overwhelmed by the

emergency and especially by the high cost of living- leave the classroom to go to the labor market or go abroad in the hope of achieving better living conditions.

The university community, but also high school students, actively participated in the Popular Rebellion of April-July 2017. The young people, many of them university students, played a leading role in the protests. But universities were not the main scenario as in other student protest situations, university students protested in neighborhoods, urbanisations, avenues and highways with workers, neighbors, and peasants in those places with rural characteristics.

Fourteen university students and a worker from Universidad de los Andes died.

In educational institutions, teachers, administrative staff and students continue to be affected by the high levels of insecurity in the country. It must be added the theft of food for the School Alimentary Program and for the school canteens to the traditional thefts of equipment and materials perpetrated in the schools during the last two years. School violence, on the other hand, continues to generate victims. The Ministry of Education has not developed policies to reduce bullying and violence, leaving that responsibility to educators.

Derecho a la EDUCACIÓN

Según cifras

oficiales, en apenas siete meses del año 2017 se redujo la matrícula de educación básica en

251.180

estudiantes, a un ritmo de 35.000 cada mes.

Los docentes

venezolanos afrontaron una desvalorización de sus salarios, cuyo déficit fue del 90% con respecto al valor de la canasta básica.

90%

No hubo avances

en la implementación de los resultados del proceso de Consulta Nacional por la Calidad Educativa realizado en 2014.



El Gobierno

ha condicionado la posibilidad de estudiar en la educación superior, el poseer el "carnet de la patria", promoviendo exclusión y discriminación.



Labour rights

The situation of labour rights in 2017 was marked by government decisions that sharply increased the loss of the purchasing power of workers' wages, and increased hardship as a result of the deterioration of their quality of life. Formal salaried work lost space as the main source of income. The crisis forced Venezuelans to diversify their income sources, preferably in the informal sector. Efficiency at work lost meaning and social value.

The loss of purchasing power forced the National Executive to decree five unilateral increases in the minimum wage during the year. Insufficient increases and unfulfilled by the State itself in numerous companies and public institutions nationwide.

Following the opacity of the government institutions, the Central Bank of Venezuela (BCV, acronym in Spanish) did not disclose the variation of the National Consumer Price Index (INPC, acronym in Spanish) in 2017. The latest published national inflation figures correspond to 2015 (180.9%), while the statistics according to cities date from May 2014.

However, the Finance Committee of the National Parliament released a study in which it estimated the variation of inflation

at 2,616% from January to December 2017, which places the country as the economy with the highest inflation in the world and the only one in hyperinflation.

The decisions of the National Executive in political matters also aggravated the generalised crisis suffered by the workers, hampering the possibility of the democratic freedoms exercise and of the fights for salary demands and improvements. Nicolás Maduro's government continued undermining the democratic institutionalism in 2017, criminalising the labour protest and severely affecting the guarantees for the exercise of the rights to freedom of association, to strike and to the participation of workers in public affairs.

2017 was a year of greater opacity in official information, compared to the previous period, in terms of freedom of association and collective bargaining. According to information published by the Ministry of People's Power for the Social Work Process (MPPPST, acronym in Spanish), updated on its website until the period 2016, in that year 304 collective agreements were approved, benefiting 303,048 workers. The figures ra-

tified the abrupt decrease in the number of approved collective agreements, since the labor office reported in 2015 that it had approved twice as many collective agreement projects, for a total of 628.

According to the figures published by the Ministry, updated on its website until 2016, 6,333 trade union organisations were registered in the period from 2000 to 2016. Out of the total, 97 would have been formally constituted in 2016. This would indicate a drastic fall of the last 17 years in average, equivalent to 372 registered unions per year.

The government has endeavoured to consolidate an alternative “legality” to the National Constitution that erodes democratic institutions and extinguishes the rule of law, and whose maximum expression was the unconstitutional call of a National Constituent Assembly (ANC) in May 2017.

The main threat to unions and the right to organise in Venezuela is that, in the accelerated process of dismantling the Social State of Law and Justice, the dictatorship of Nicolás Maduro, through the fraudulent ANC, ends up abolishing the guarantees for the rights to freedom of association, to peaceful assembly and to strike.

As of 17 July 2017, the organisation Provea registered an exponential increase in complaints by workers and officials of 80 agencies of the national public administration, victims of threats, harassment and dismissals, in the context of the candidate election to the ANC, promoted by the government of Nicolás Maduro, as well as persecution of public sector workers who

allegedly participated in the citizen mobilisations registered from April to August 2017.

In an 18-year period (1982-1999), the Venezuelan trade union leadership went -through the mechanism of formal complaint- before the CLS-ILO, on 28 occasions, to denounce violations of the right to freedom of association by the Venezuelan State. While in a 17-years period (2000-2017), the union organisations filed 35 complaints before the CLS for violations of freedom of association committed by the State. From 2000 until 2017, the largest number of complaints were filed before the CLS-ILO by the Venezuelan trade union organisations.

There was a decrease in the number of cases of trade unionists murdered in the period covered by this Report. Provea accounted for the murder of 15 unionists during 2017, a 12% decrease, compared to the 17 cases registered in the previous period. Most of these deaths occurred in Bolívar state (4 cases).

At the closure of this report, the Ministry and the National Institute of Statistics (INE, acronym in Spanish) had not published their 2017 Annual Report and Accounts and statistics related to several socio-economic indicators, which prevents the exercise of the social comptroller, as provided in the National Constitution, and prevents workers from the guarantee for the right to information.

Derechos LABORALES

MADURO

socavó la institucionalidad democrática en 2017, afectando las garantías para el ejercicio de los derechos a la libertad sindical, la huelga y a la participación de las y los trabajadores en los asuntos públicos.



El trabajo formal

asalariado perdió espacio como principal fuente de ingresos. La crisis obligó a los venezolanos a diversificar sus fuentes de ingreso, con preferencia en la informalidad.

EN 2017
el índice de inflación cerró en
2.616%
de acuerdo a las cifras
divulgadas por la
Asamblea Nacional.

Provea cotabilizó

el asesinato de



sindicalistas durante 2017, un descenso del 12% respecto a los 17 casos registrados en 2016.



Rights of indigenous peoples

In 2017, there were worrying setbacks in terms of guaranteeing the rights of the country's indigenous peoples and communities. The Ministry of People's Power for Indigenous Peoples (MPPPI, acronym in Spanish), unlike previous years, did not publish the Report and Account in its website, nor did it respond to requests for access to it. The indigenous budget is not publicly known either.

It is concerning the great political proselytising load, assigned to the subsidised food sale events in communities and indigenous peoples, as evidenced in the 15 overviews issued by the Ministry. In Provea, we have been able to verify, by direct denunciations received from indigenous organisations and leaders, the pressure exerted for political control and electoral use of the social programs from institutions of the State, generating -among the communities- fear of losing access to these subsidies. The same was evidenced in the implementation of Plan Chamba Juvenil, in Misión Vivienda (the housing mission).

In terms of Health, in September 2017, PAHO/WHO issued a statement evidencing an outbreak of measles in the regions with the greatest indigenous presence.

In 10 parishes of the Caroní Bolívar municipality and in Delta Amacuro, Anzoátegui, Sucre, Monagas and Amazonas states; Diphtheria resurfaced, which forced a first phase of vaccination in Bolívar state -epicenter of the outbreak, especially in Caroní municipality- and the death of a minor in Roraima imported from Venezuela was verified, as well as in Colombia imported from the Venezuelan Guajira, indigenous Wayúu territory.

In Venezuela, Malaria was declared in "Complex Situation," along with Nigeria, South Sudan and Yemen after several years of epidemic. "Malaria in Venezuela is focal and concentrated in Bolívar state (74% of the cases), Guayana." In the Guajira Municipality, more than 30 cases of malaria were confirmed in the mountainous hamlets, according to data from the border observatory of Zulia (OFZ, acronym in Spanish), there are more than 290 cases of confirmed malaria.

The situation of abandonment and inadequate policies for the attention of the HIV-AIDS and Malaria epidemics, coupled with hunger continues to take the lives of Waraos indigenous people, forcing them to migrate in and out of the country. Despite the Humanita-

rian Emergency in health, affecting indigenous peoples and communities, the Ministry published 17 press releases of medical care days, held in some communities of the following locations: Zulia, Sucre, Carabobo. Apure, Delta Amacuro, Yaracuy and Capital District.

In 2017, the Right to Demarcation of Territories and to the Collective Ownership of Lands were de facto suspended; no record of delivery or progress regarding to this constitutional obligation was found. The advance of the Orinoco Mining Arc Project continues without free and informed prior consent and without environmental impact studies as reported by indigenous communities in the area. Likewise, without prior consultation or consent, Presidential Decree No. 2,767 was approved, creating the Caura National Park in violation of indigenous territorial rights. Provea is very concerned about the threats, kidnappings, extortion and murders that are beginning to take place against indigenous leaders in mining areas with the inaction of the Venezuelan State. 2017 shows how defenders of the land and the environment in Venezuela begin to suffer from violations of their rights to defend culture, territory, environment and lifestyles.

Indigenous communities of Bolívar and Amazonas continue to denounce the non-compliance with the commitments acquired regarding to the distribution of oil, as well as its discretionary use by military personnel; the presence of armed groups in indigenous areas with the consent of the security forces in tasks of territorial control and illegal mining; the use of the fatherland's card -which is alien to the uses and customs of indigenous peoples and communities- was learned as a form of coercion, control and a clear proselytizing action for access to social benefits.

An unconstitutional Indigenous Constituent Assembly was held, in spite of requests for changes to the election process, based on traditions and customs, which were not taken into account, resulting in the election of indigenous representatives of the governing party and not of base indigenous leaders.

The Complex Humanitarian Emergency affects our indigenous peoples and communities. Malnutrition is evident not only in children but in the Wayuu, Warao, Yukpa populations. The reappearance of endemic diseases and emerging infections without proper care, the forced migration due to the serious deterioration in their living conditions, as well as the abandonment of control of their territories taken by illegal mining, mafias, armed groups and the FANB is evident not only in the main cities of the country, but in the migrations of indigenous Waraos to Roraima, Brazil, of Yukpas and Wayúus to Northern Santander, Colombia. Their declarations confirm hunger and state abandonment.

For Provea, a comprehensive Plan for Indigenous Food and Health is urgently needed to address the complex humanitarian crisis in the communities and indigenous peoples of the country, such as the immediate state action against groups of armed mafias and guerrilla groups that operate in illegal mining and smuggle in indigenous territories of Bolívar and Amazonas; the activation of the Territory Demarcation Commission, and approval and delivery of collective property titles of indigenous peoples and communities, as established in the Constitution; the stoppage of the Orinoco Mining Arc Project; and the protection of indigenous leaders who exercise their rights to the custody and protection of their territories.

Derecho de los PUEBLOS INDÍGENAS

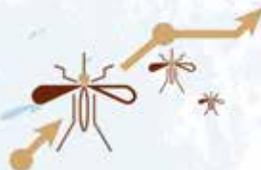
La explotación

minera, sin consentimiento indígena, ha generado desplazamientos y conflictos con grupos armados ilegales y la FANB, obligando a la conformación de guardias territoriales indígenas.



El gobierno

impuso el "Camet de la Patria" como mecanismo de cooptación, intimidación y control social en pueblos y comunidades indígenas, condicionando así el disfrute de derechos.



En 2017

se registró el mayor repunte de malaria en la historia reciente del país, afectando principalmente a pueblos y comunidades indígenas del sur del país.



En 2017 no se registraron

avances en el proceso de demarcación y titularidad de territorios indígenas





Right to health

In 2017, the ravages of a complex humanitarian emergency with broad and multiple impacts on human rights and a greater scale of damage to the lifestyle and welfare of the population became evident. This emergency has been the result of institutional dismantling, the denial of justice and the patterns of censorship, violence and corruption in the exercise of government that led to the breakdown of the democratic order and the brutal repression during the course of the year.

Its consequences for the right to health were the collapse of the health capacities at the national level, much of which rested in a public health system that was subjected to a long and systematic destruction, in concurrence with the high levels of poverty, hunger, malnutrition and collapse of basic services that exponentially increased health problems, causing irreparable damage to the physical and mental integrity of people and the loss of human lives.

According to the United Nations and humanitarian experts, “complex emergencies are situations in which the cause and the as-

sistance to those affected are linked, to a larger extent, to political considerations (...) they are characterised by their instability in diverse degrees, which can result, in extreme cases, in the collapse of the national authority. This translates into a loss of administrative control and an inability to provide vital services and protection for the civilian population.”

Producing situations of economic and social devastation due to structural or systemic causes that involve the disappearance of institutions and the rule of law, complex emergencies generate contexts conducive to systematic and/or widespread violations of human rights, typified as serious crimes against mankind, which may entail individual responsibilities in international law.

Due to the emergency, the deficit of medical and nursing personnel worsened, as did the service failures in public hospitals, compromising 50% to 90% of their operating levels, which showed a fall behavior due to the deep de-structuring of the sanitary system. In order to show part of this reality, Provea registered 9,662 complaints of violations to the right to

health, which represents a 98% increase to those registered in 2016 and the largest increase occurred in the last five years.

The emergency caused deaths due to the prolonged and absolute deprivation of medicines; inability of services to treat a greater number of diseases associated with malnutrition and the appearance of new epidemics spread throughout the country, with 1,040 cases of Diphtheria and 773 Measles; and the largest expansion seen in Malaria with 400,000 cases. In face of the emergency, the government refused to implement mechanisms of international assistance and cooperation, and both health organisations and unions lost all communication with the health authorities, forcing them to go to the streets in peaceful protest to demand guarantees for their rights.

An ACAPS report on Venezuela noted that: “The humanitarian situation in Venezuela has severely deteriorated in the last three years. The severe shortage of medicines, coupled with poor hospital services facilitates the spread of diseases such as malaria and diphtheria.” The 2017 ICASO-ACCSI Report affirmed that Venezuela is in the midst of an unprecedented complex humanitarian emergency with broad social consequences, product of the same State.

This year, the health information was completely censored. Since the Supreme Court of Justice allowed the Executive to exempt itself from delivering the Report and Account and the Budget Laws to the National Assembly in 2016, there was no public information on the 2017 health running. The Ministry of People’s Power for Health (MPPS, acronym in Spanish) did not publish health or epidemiological statistics either, and all the historical archives of the bulletins on notifiable diseases

and deaths, statistical mortality yearbooks and other data of health were deleted from the official website.

In January, Dr. Antonieta Caporale became Minister of Health and she was dismissed in May, after the publication of the latest Weekly Epidemiological Bulletins of 2015 and 2016. In her place, it was named Luis Sallerfi López Chejade, pharmacist and former health secretary of the Aragua governorship. These were the sixth and seventh designation of health ministers in five years of President Maduro’s administration. In November 2017, the President of the Venezuelan Institute of Social Security (IVSS, acronym in Spanish), Lieutenant Colonel Carlos Rotondaro was dismissed, who had been in charge of the institution for ten years, placing in his position the same Minister of Health.

Derecho a la SALUD



La emergencia humanitaria

agravó más el déficit de personal médico y de enfermería, y las fallas de servicios en hospitales públicos, comprometiendo entre 50% y 90% sus niveles operativos

50 %



90 %

Se registraron

1.040

Casos de Difteria

773

Casos de Sarampión



400.000

Casos de Malaria

en 2017

9.662

denuncias de violaciones del derecho a la salud registró Provea



que representa un 98% de aumento respecto a las registradas en 2016.

en **2017**

la emergencia humanitaria en salud causó muertes por privación prolongada y absoluta de medicinas.





Right to social security

The behavior of the right to Social Security had variations during 2017 in the economic sphere, since more resources were allocated to the additional credits than in 2017, however, it reflects that it decreased 76.19% in real terms, which means that, taking account the inflation of the previous year, expenses could not be covered for this sector in 2017. The Executive announced that “seventy percent of the 2017 budget goes to social investment, both the social economic project of the new economy and the missions, great missions, education, housing, health, our Elderly,” but this investment has not been translated into improvements to the population, such as access to social insurance. The Social Security economic resources must be guaranteed, as a human right and as social protection to the unprotected populations.

Given the difficulty in accessing official information, it was not possible to determine the exact number of pensioners in the year. In revision of the 2017 Budget Decree, the inclusion of 115,740 new citizens in the pension system is established and the President of the Republic announced that 202,430 new pensions had been granted, which leaves a differential of 86,990

pensioners, who are not discriminated against, it is not known if they complied with the required contributions, if they obey to a decision of the Executive or if they come from the income via Fatherland’s card.

Regarding to the Great Mission Homes of the Fatherland (GMHP, acronym in Spanish), 500,000 pensioners were added to the benefits of the Fatherland’s Socialist Households Card, covering 1.5 million families. In this term, the Fatherland’s Card has been used as a measure to guarantee pensions through the missions Gran Amor Mayor Venezuela (GMAMV) and GMHP, which responds to a discretionary and regressive measure of human rights and of the legislations in matter of Social Security, and shows that there is no process of evaluation, selection of beneficiaries, monitoring and follow-up, and accountability by the National Government.

The special bonus of economic warfare created by the Executive, in substitution of the Law of Bonuses for Feeding and Medicines to Pensioners and Retirees, approved by the National Assembly and declared unconstitutional by the Supreme Court of Justice, was imple-

mented. This measure does not represent an economic incentive, taking into account hyperinflation and the high cost of living.

The population of elderly has been affected, especially by several situations: The shortage of cash is the most notorious one, since at the time of collecting the pension, banks make fractioned payments. Given this, government officials have implemented some actions in the process of improving the situation, such as: opening of bank agencies, activation of three ticket offices per entity, and delivery of high denomination bills; nevertheless, the difficulties persist and it has been one of the causes of protest related to this human right. Other social actors exercised their right to protest for the delivery of food tickets and health bonuses and for labor improvements.

Another critical situation in 2017 was the shortage of medicines and disregard for health centers and nursing homes. Despite of the medicine delivery to some health centers belonging to the Venezuelan Institute of Social Security (IVSS, acronym in Spanish), many patients do not have medicines and supplies. On the other hand, it is still suspended the IVSS beneficiaries' admission to social care homes receiving subsidy from the State. The contribution that the Government grants to each residence per insured person is 14,708.91 Bolívares and there are 76 geriatric and psychogeriatric institutions in the country. In addition, the difficulty of public transport has impacted significantly in various regions of the country. The public transports are not making due compliance to the exemption of the partial payment of the ticket, as established in the Extraordinary Official Gazette number 6,221, which eliminated the exoneration of the urban transport to the elderly.

The National Government has not solved the conditions of the 12,500 pensioners and retirees abroad, since mid-2015. Foreign governments, as Italian parliamentarians and the Government of Spain, have questioned the government because of the Italian pensioners who worked in the country and returned to Italy, and for the 9,000 Venezuelan pensioners residing in Spain and Spanish residents in Venezuela who do not receive a pension.

The benefit regimes and contingencies, specifically, Health, Social Services for the Elderly and Other Categories of People, Employment, Pension System and Other Financial Allowances, Health and Safety at Work, and Housing and Habitat; are only contemplated in the Organic Law of the Social Security System because, in practice, the competent entities have not promoted effective actions to comply with the contingencies. Two regimes deserve special attention: The Benefit Health Regime, there is a vulnerable population without the proper operating health centers -such as the medical assistance insurance of the IVSS-, and the Pension System and Other Financial Allowances. It is urgent to approach the provisions that have to do with pensions and cash benefits, as in the case of the GMAMV and GMHP that in the course of 2017 had economic allocations at discretion without effective accountability in terms of financing and contributions.

Derecho a la SEGURIDAD SOCIAL

En términos reales

el presupuesto destinado a la seguridad social disminuyó

76,19%

respecto al año anterior.



En 2017

la población adulto mayor padeció situaciones críticas debido a la escasez de medicinas y desatención de centros de salud y ancianatos por parte del Ejecutivo Nacional.

Al menos

12.500

pensionados y jubilados venezolanos residentes en el exterior, siguen sin recibir su pensión desde mediados de 2015.

A través de la GMHP

500 mil

pensionados que fueron beneficiados con la Tarjeta Socialista Hogares de la Patria, abarcando a

1.5 millones de familias





Right to land

Provea recognises that the National Executive maintains its interest to democratise the use of the land. During 2016, the National Land Institute (INTI, acronym in Spanish) continued with the land recovery and regularisation process initiated in 2001. Notwithstanding, as the Ministry of People's Power for Productive Agriculture and Land (MAT, acronym in Spanish) and the Ministry of People's Power for Urban Agriculture (MAU, acronym in Spanish) did not deliver the Report and Account of its actions before the National Assembly, as provisioned in Art. 244 of the Constitution of the Bolivarian Republic of Venezuela and Art. 14 of the Organic Law of the Public Administration, neither published it, nor responded to the request for information delivered in the MAT on 19 March 2018 and the National Federation of Cattle Ranchers of Venezuela (Fedeaagro, acronym in Spanish) on 2 April 2018; it is difficult to obtain exact figures of hectares and farms recovered, harvested area, agricultural instruments delivered and exact number of farmers benefited.

Nevertheless, in the absence of official figures, we went to the press archives of the INTI to have an approximate number of hectares recovered, which, according to the MAT, amounted 1,641,470 hectares delivered, representing an increase of 89.78% of the consigned, compared to 2016; but that is still 21% lower, compared to 2015; in the states of Portuguesa, Monagas, Mérida, Bolívar, Guarico, Sucre, Vargas, Yaracuy, Nueva Esparta, Zulia, Cojedes, Táchira, Aragua, Trujillo; 14 of the 23 states that make up the Republic.

Regarding to the number of agricultural instruments delivered, the study of the INTI press releases showed 25,935 compared to 27,205.69 in 2016, which means a 5% decrease; to which is added a 9% decrease, compared to 2015, which allegedly benefited 82,000 producers compared to the 573 farmers benefited in 2016, which translates into a 99% increase, compared to 2016. However, Provea sees a considerable increase that can not be verified due to the lack of figures.

In 2017, the MAT had an amount, assigned by the Budget Law of Bs. 65,578,461,588 which means an 83% increase, compared to 2016; when the agency's budget was Bs. 11,101,927,385. Despite this, it is imperative to inform that for the first time the Executive did not present this law before the AN for its discussion, nor was it published in the Official Gazette; it was obtained thanks to Transparencia Venezuela's work and ratifies the opacity criterion in the official figures. The contribution of Bs. 410.409.596 is added through the Special Law of Annual Indebtedness for the Financial Economic Year 2017 to develop agricultural projects in the states of Nueva Esparta, Sucre, Lara and Falcón in course since 2016 and which meant an increase in the budget allocated of 83%, compared to last year's Bs. 71,175,900.

On 29 April 2017, resolution DM/N° 062/2017 was published, which establishes the bases, conditions, terms and mandatory minimum percentage of the loan portfolio that each one of the universal banking entities, both public and private, should allocate to the agrarian sector during fiscal year 2016. The instrument contemplates that the total of the portfolio destined to finance strategic and non-strategic items be maintained in 63% for short-term plants and 2% for rural cash. This meant a decrease in the investment criteria of previous years that established the maximum in 75% and the minimum in 5%.

At the date of this report, it is unknown if there was an advance or setback in the total area harvested, not even Fedegro has the 2017 data on the value, volume and yield of production.

Derecho a la TIERRA

Debido a la Opacidad



oficial es difícil obtener cifras exactas de las hectáreas (Ha) y predios recuperados, superficie cosechada, instrumentos agrarios entregados y número exacto de campesinos y campesinas beneficiados por el Instituto Nacional de Tierras.



Durante 2017

el Instituto Nacional de Tierras continuó con el proceso de rescate y regularización de tierras iniciado en 2001.

En 2017 el presupuesto asignado al Ministerio de Agricultura y Tierras tuvo un incremento de

83% respecto al 2016.



Debido a la opacidad

oficial se desconoce si se registraron avances o retrocesos en la superficie total cosechada.



Right to housing

The situation of access to official statistics -necessary to monitor the results of public housing policies- has seriously worsened after the fraudulent installation of the ANC. The opacity in the sector is almost total, and both the beneficiaries and the researchers depend on the declarations of the authorities in the sector, which do not correspond to the real running. The public policy has been reduced to the quantitative perspective, a large number of houses built or benefited, in a context of severe economic crisis. The authorities' violation to the principle of truthful and timely information is so flagrant that Provea has classified the ads in housing as mythomania -the repetitive behavior of the act of lying, which gives the mythomaniac a series of immediate benefits, such as admiration or attention-, "State Mythomania."

According to the official statements, during 2017, the amount of 570,000 homes were built in Venezuela, which brought the government closer to meeting its goal of building two million homes with the Great Mission Housing (GMVV, acronym in Spanish). Provea's monitoring, based on the meticulous archiving of three state media outlets, throws in turn the amount of 14,996 homes. According to this database,

the states where most was built were Zulia (2,934 homes), Anzoátegui (1,706 homes), Capital District (1,641), Miranda (1,434), and Monagas (1,312 homes).

Other elements would contradict the official statements. The Economic Commission for Latin America and the Caribbean (ECLAC) estimated that Venezuela would be the country with the highest negative growth rate in the region, estimated at -7.2%. Second, the difficulties to produce or import the materials necessary for construction. According to Transparencia Venezuela, the cement companies in hands of the State produce 41% less, with difficulty to establish corrective because the management is inauditable. Workers in the cement sector reported that there are companies that have decreased their production up to 90%. The metallurgical union indicated that they operate in 10% to 20% of their capacity. On the other hand, the private sector denounced that its contraction would be around 85%.

In order to increase the number of homes, the State performs several strategies. Since 2011, The Great Housing Mission (GMVV, acronym in Spanish) has included the houses

built by the private sector in the sum, as well as the homes benefited by the Mission Barrio Nuevo, Barrio Tricolor and the families that receive any type of credit for their acquisition. However, as these strategies are insufficient to reach high numbers, the National Media System discloses large numbers in its news headlines that are not detailed in the text of the information, publishes different notes of the same award or record different and contradictory numbers about the results.

The housing deficit in Venezuela is estimated in 2,442,987 homes, and the states that need it the most are Zulia (557,583 homes), Lara (206,579 homes), Miranda (183,353 homes), Carabobo (168,862 homes) and Bolívar (147,387).

The State continues to emphasise the achievement of international agreements for housing construction. Official declarations assure that, since 2005, 44,000 houses would have been built by this mechanism and 18,000 would be in process at the present moment.

In addition to the “cheerful figures” in housing, the most serious violation during the period was the institutionalisation of political discrimination by means of the allocation of housing through the so-called “Fatherland’s Card,” an identification document controlled by the party organisation “We are Venezuela.” This type of discrimination in access to the right is prohibited in all international standards on economic, social and cultural rights.

In contrast, the most positive housing policy during the studied period was the efforts to increase the amount of property titles held by the beneficiaries of the GMVV. However, the total amount of property titles delivered during

2017 was not reported, nor the accumulated since the beginning of the GMVV, we speculate the reason is not to give data on the lag of this process.

In the context of the cycle of protests that occurred from April to July 2017, a series of violations to the right to housing occurred. In its report “Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017,” the United Nations High Commissioner for Human Rights affirmed that the demonstrations were accompanied by illegal and violent raids on residential complexes by security forces, with the alleged objective of arresting the demonstrators. Security operations in residential areas have been characterised by the excessive use of force and deliberate destruction of property, theft and serious damage to the right to housing and private life. The members of the security forces have operated without identifying badges; covering their faces with ski masks, helmets; and equipped with long weapons. It also explains that members of the so-called armed collectives have participated in some raids. The magnitude of the violations was such that Amnesty International made a special report entitled “Nights of terror: Illegal attacks and raids on homes in Venezuela.” Members of Provea witnessed the policies of territorial control carried out by groups related to the government, who use the databases of social missions to locate and punish those who express their discontent with the government.

Derecho a la VIVIENDA

Los obstáculos

para el acceso a estadísticas oficiales en materia de vivienda se han acentuado seriamente tras la instalación fraudulenta de la asamblea nacional constituyente.



El déficit

habitacional en Venezuela se calcula en

2.442.987
viviendas

Según declaraciones oficiales durante el año 2017 se construyeron en Venezuela la cantidad de

570
mil
viviendas

El monitoreo hecho por Provea a tres medios de comunicación estatales, arroja en cambio la cantidad de

14.996
viviendas



La violación más grave

Durante el periodo fue la institucionalización de la discriminación política mediante la adjudicación de viviendas por medio del llamado "Carnet de la patria".

Civil and Political Rights





Right to personal integrity

During this period, Provea registered a total of 491 complaints, including 7,357 cases of violations of the right to personal integrity and 4,819 identified victims. These data are the result of information obtained from complaints published in the press, the cases raised by Provea through fieldwork, and the complaints submitted by the victims themselves. The data indicated, compared to the previous period when a total of 1,790 cases of violations of the right to personal integrity were registered, represent a 411% increase in the number of violations. This alarming increase is the result of the repressive response that the Venezuelan State gave to the cycle of protests registered in most of the national territory from April to August 2017, to the open assumption of State terrorism practices, and to the increase of military response to social demands.

From the victims identified in the period covered by the investigation, the gender of 596 people was known, which represents 12.36% of the identified victims. Out of those victims, 92.78% are male (553) and 7.21% are female (43).

In the case of torture, the number of victims registered by Provea increased with respect to the previous period records. Pro-

vea managed to identify 101 victims of this pattern of violation to the right to personal integrity, which, compared to the 18 victims registered during 2016, represents a 561% increase. Neither the Public Ministry, now under the management of the constituent prosecutor, Tarek William Saab, nor the Ombudsman, under the management of the defender imposed by the fraudulent constituent, Alfredo Ruíz; published information on cases of torture corresponding to the year 2017.

In the case of cruel, inhuman or degrading treatment or punishment, the number rose by 113.95%, having identified 539 victims, 66 more than the previous study. Again, in this aspect, the occurrence of cases involving groups of victims exceeding ten stands out, as well as the fact that it took place in prisons. Regarding to this pattern, the Public Ministry did not offer detailed information in its Annual Report and the Ombudsman's Office has not published any information.

In the case of the sub-pattern of injured, Provea registered and identified a total of 3,811 wounded people, an increase of 1,206% in comparison to the previous year, in which a total of 316 injured people had been registered. Out of the total number

of wounded people registered by Provea, 99.76% (3,802) were injured in the context of the demonstrations held during the popular rebellion of April-August 2017.

347 people -counted in 30 complaints- were threatened or harassed, which implies an increase of 156.3% in the figures collected by Provea in contrast with 2016, when 222 victims were registered. In the case of raids, there were 2,559 cases, which, compared to the previous period, when there were 763 cases, means a 335.3% increase. Out of the total illegal raids carried out in 2017, 86.63% were carried out within the context of the popular rebellion of April-August 2017, in residential areas where protests were staged. They were led by the Bolivarian National Guard, paramilitary groups, the Bolivarian National Police, the Scientific and Criminal Investigations Corps and the Bolivarian National Intelligence Service.

Finally, Provea registered a total of 245 residential areas, university and school precincts, health centers and religious temples that were attacked by agents of the public force and paramilitary groups in the context of the April-July protest cycle, aiming to curb popular protest, inhibit protesters from continuing to protest and punish urbanisations and communities who mobilised against the dictatorship. On average, attacks on each of these areas were repeated up to 10 times from April to August, which would account for more than 2,450 attacks on the civilian population.

Since 2013, the records of cases of violations to personal integrity have been increasing. While some sub-patterns have increased or decreased in certain periods, the general

trend is upward. The increase in social conflict as a result of the country's serious economic and social crises has had as a response the disproportionate use of force of Maduro's government to crush the protest.

The militarisation of citizen security and the management of demonstrations, as well as the situation of structural impunity, and the open encouragement of repression have led to an accelerated increase in cases of violations to personal integrity. 2017 closed with the second highest record of violations to the right to integrity since Maduro took office in 2013.

Maduro's government is highly repressive and violates human rights. Proof of this is that, from 1997 to 2012 -a 14-year period-, Provea counted a total of 11,101 cases of violations to personal integrity; while the first five years of Nicolás Maduro's administration (2013-2017) amount 30,584 cases of violations to personal integrity, 275% more violations than those recorded in the 14 years of management of his predecessor in power.

Derecho a la INTEGRIDAD PERSONAL

En 2007
Provea

registró un total de

7.357

casos de violaciones del derecho a la integridad personal.



Provea registró

e individualizó un total de 3.811 heridos y lesionados, un aumento de

1.206%

con respecto al año anterior en el que se había registrado un total de 316 heridos y/o lesionados.



2.450 ataques

a la población civil concentrados en 245 zonas residenciales: recintos universitarios y escolares; centros de salud y templos religiosos, atacados por agentes de la fuerza pública y agrupaciones paramilitares en el marco del ciclo de protestas abril-julio, con el objetivo de frenar la protesta popular.



18

2016

101

2017

101 personas

denunciaron haber sido víctimas de torturas. En comparación con las 18 víctimas registradas durante 2016, la cifra representa un incremento de **561%**.





Derecho a la Justicia

The right to justice was further eroded in 2017 as a result of the sentences issued by the Supreme Court of Justice, which respond to structural policies implemented since 2009, especially laws and planning adopted to undermine the separation of powers and the judicial independence by progressively disappearing the democratic veil and the rule of law in the country.

In 2017, the procedural delay persisted and an exponential increase in the use of military justice to judge civilians was found. It was learned that hundreds of people were placed under that jurisdiction for demonstrating, especially in the protests from April to July 2017.

In this period, it was not possible to compile all the required information due to the omission of the publication of the Annual Report of the Supreme Court, the Public Ministry and the Ombudsman's Office, as well as the Report and Account of the Ministry of People's Power for Penitentiary Services. In this regard, PROVEA issued a formal request for this information, with no response until the closing date of this report.

The decisions of the Supreme Court that favor the government positions were maintai-

ned and exacerbated in 2017, to the point of declaring the "judicial coup d'état," especially with two sentences of the Constitutional Chamber -numbers 155 and 156-, which implied the transfer of powers of the Legislative Power to Nicolás Maduro at the expense of the National Assembly powers and the constitutional guarantees.

One day after the sentence N° 155, the Constitutional Chamber of the Supreme Court issued the judgment N° 156 of 29 March 2017 on Article 33 of the Organic Law of Hydrocarbons, as the response of an appeal filed by the Venezuelan Petroleum Corporation. The ruling granted the Executive Branch broad powers to set up joint ventures, and also declared the Parliament dissolved, concluding that "as long as the situation of contempt and invalidity of the National Assembly proceedings persists, this Constitutional Chamber will guarantee that the parliamentary competences are exercised by this Chamber."

Due to the political instability caused by the aforementioned sentences and by exhort from the National Defense Council, gathered by Nicolás Maduro at dawn on 1 April 2017 -as a result of the crisis generated by the Attorney

General and the international community-, the Supreme Court issued two clarifications on the following day, 1 April, about judgment N° 155, to revoke the waiver of the parliamentary immunities of the members of the Parliament and what was related to the state of internal commotion and possibility of changing criminal and military laws, although the nullity of the National Assembly agreement was maintained. In regard to judgment N° 156, the Supreme Court maintained the powers granted to the President, although it declared that the National Assembly could continue to exercise its functions.

However, as a result of 56 judgments of the Supreme Court prior to these two, issued since the election of the National Assembly in December 2015, which affected and limited their powers, it is reported that 42 of its 77 functions continue to be suspended.

According to the statement of a significant number of human rights non-governmental organisations (NGOs), judgment N° 155 of 27 March 2017 of the Supreme Court's Constitutional Chamber deepened the breakdown of the democratic order, declaring the nullity of the National Assembly agreement that approved the activation of the Inter-American Democratic Charter of the OAS. In its decision, the Chamber also ignored the parliamentary immunity and tried to give extraordinary powers to the President of the Republic to decree a state of internal and external commotion and change the criminal and military legislation at will.

The judiciary continued to be used as a means of repression toward opposition people or people considered to be opposition by the mere fact of demonstrating or protesting to demand rights, as well as against public officials: members of the Parliament, governors, mayors, councilors, prosecutors, magistrates

and journalists who are identified as critical of the government.

The violation of the right to be judged by a natural judge was a repeated pattern of the massive arrests of people participating in protests, detained and accused in military headquarters for military crimes. Differently than 2016, when PROVEA counted “18 people who were detained and prosecuted by the military jurisdiction,” 760 were identified in 2017, according to figures from Human Rights Watch and the Venezuelan Criminal Forum.

Along with the installation of the ANC and the dismissal of the Attorney General, Luis Ortega, the president of the fraudulent ANC, Delcy Rodríguez, ordered the military justice to cease the proceedings against civilians detained in demonstrations against President Nicolás Maduro and to transfer them to ordinary justice. However, the complaint of non-compliance with the transfer of most of the cases to ordinary courts was maintained and new civilian detainees were brought before the military courts.

An emblematic case of more burdensome effects for the transfer from military to civil justice is the one of 27 students from the Universidad Pedagógica Experimental Libertador (UPEL), in Aragua state, who were detained inside the campus and placed at the order of justice military.

In regard to political prisoners, according to information from the Venezuelan Criminal Forum, 107 were counted in January 2017 and the number raised to 213 by December that same year. On the other hand, the imprisonment conditions of political prisoners are very precarious. It is reported that they are held together with detainees for common crimes; although some are in military jails like Ramo Verde or improvised ones like el Helicoide.

Derecho a la JUSTICIA



En 2017

persistió el retardo procesal y se constató un incremento exponencial del uso de la justicia militar para juzgar a civiles.



Las sentencias

155 y 156 del Tribunal Supremo de Justicia configuraron el "golpe de estado judicial", y abrieron el camino a la dictadura.



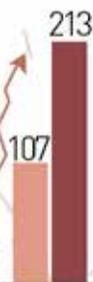
760
personas

fueron sometidas inconstitucionalmente a la justicia militar.



Según el Foro

Penal Venezolano, en enero de 2017 se contabilizaron 107 y para diciembre del mismo año 213.





Right to personal freedom

In the period covered by this report, Provea registered a total of 2,902 alleged violations to the right to personal liberty, which represents a decrease of 59% with respect to the 2016 figure; and 75% in contrast with the general annual average of the last 21 years systematised in our reports. During 2017, a reorientation of the Operation People's Liberation (OLP, acronym in Spanish) was carried out, resulting in fewer arbitrary mass arrests. It is noteworthy that at least 2,553 (88%) of these arrests are linked to the demonstrations that took place from April to July 2017.

The reason of the indicated decrease in total figures was the significant decrease in the number of people massively detained during 2017. Provea registered a total of approximately 2,477 people massively detained, constituting 85.4% of the total alleged violations to personal freedom in 2017. These figures represent a 63.3% decrease with respect to the number of people massively detained during 2016; and 78.3% on the general average of mass arrests recorded since 1999.

Out of the 2,902 registered victims, only 47 (1.6%) correspond to the pattern of individual arrests, representing a slight 8% decrease

of these arrests with respect to the previous period. When this figure is contrasted with the general average of these cases during the last 21 years, a 58.4% decrease is observed. However, collective detentions increased 54.3% in comparison to the previous year, and 126.5% above the general average of the last 9 years.

Likewise, the 191% increase in arrests occurred in the context of demonstrations with respect to the previous year and 308.3% over the general average of the last 28 years. The year under study is the second with the highest figures of this type of detention, surpassed only by the year 2014.

In 2017, institutional violence continued to focus mainly on street demonstrations, with more intensity than last year. This explains the decrease (99%) of mass arrests -among others- in contexts of militarised police operations, which, during the analysed year, was only 0.7% of mass arrests; as well as 1.17% of the total amount of illegal or arbitrary arrests recorded. Similarly to last year, these mass arrests are being replaced by more intense, selective and deadly institutional interventions. This means that the victimisation by police action has, at least, maintained its lethality in

humble neighborhoods. According to official figures, 26% of the homicides that occurred in the country are a consequence of the direct intervention of the State security forces.

In 2017, around 318 people suffered violations to their personal integrity in the context of these arrests, representing a 90% increase over the previous year. This is another example of the progressive intensification of institutional violence.

The majority of the legal age victims profile that could be identified is male (88%) with an average age of 26 years old, student (28.3%), military (22.8%) or foreign (16.4%).

The forced disappearances had a 68% decrease with respect to the previous year (which presented a very high figure, 19 people), as well as a 46% decrease with respect to the average systematised by Provea during the last 18 years.

Comparably to last year, the states that presented the most illegal or arbitrary arrests were the following: Carabobo 727 (25.1%), Aragua 446 (15.4%), Miranda 343 (11.8%), Lara 312 (10.8%), Capital District 225 (7.8%), Zulia 205 (7.1%) and Bolívar 201 (2.2%), these 7 states accumulate 86.1% of all registered cases.

Finally, the number of violations registered in police cells and jails reached an approximate of 45,000 people affected, a figure that could not be compared with the previous years, since it refers to a total census of the population held in police jails, which suffers from overcrowding and precarious conditions of imprisonment. Out of these, it was possible to characterise the situation of approximately 522 victims, 70.7% less than the cases analysed last year, and 48% less than the average of the last 7 years systematised by Provea. This could mean, on the one hand, that there is greater opacity on this type of data, and on

the other, it could also be interpreted as a decrease in media interest in these; since the few figures, both official and unofficial, point to a clear increase in the rates of incarceration, in prisons and in police jails.

The previous comment warns that the main source of the present analysis are the media, both printed (national and regional) and digital, which constitute a more stable input of information on these phenomena, since the official sources detailed are scarce and sometimes nonexistent. However, in cases where official information existed, it was prioritised before any other source. Among the official information, the public statements of authorities, communications, messages on social networks and annual management reports stand out. Also, the direct complaints received at Provea's offices are included in this report.

Derecho a la LIBERTAD PERSONAL



En 2017

Provea registró un total de **2.902 presuntas** violaciones al derecho a la libertad personal.

La mayoría

de las víctimas de violaciones a la libertad personal en 2017 fueron hombres **88%** de una edad promedio de 26 años



estudiantes [28,3%]
militar [22,8%]
extranjero [16,4%].



En 2017

aumentaron en **191%** las detenciones ocurridas en el contexto de manifestaciones respecto al año 2016.

La cantidad

de violaciones registradas en calabozos y retenes policiales, llegó a unas

45.000 personas afectadas.





Right to participation

Throughout the government of Nicolás Maduro Moros, political sectarianism and the co-optation of community management models have deepened, and the institutional crisis and the democratic bases in the exercise of power have worsened.

On 7 January 2017, the National Assembly -with an opposition majority- decided to declare the the President of the Republic's abandonment of the office, claiming the direct responsibility in the serious economic problems of the country, characterised by high inflation and lack of food and medicines. PROVEA expressed its criticism when considering that the declaration "...it is a forced interpretation of the Constitution that will further aggravate the weakening of democratic institutions in our country."

The Executive reacted with Decree N° 2,667, which proclaimed the State of Emergency and Economic Emergency that was ratified by the Supreme Court, stating that the provision had "the validity, force and legal-constitutional effectiveness" in accordance with the Constitution of the Republic. In this sense, the Executive could impose sanctions on other Public Powers and take exceptional measures in the planning and finances of the Republic, thus ignoring the competences of the National Assembly.

On 28 and 29 March, the Constitutional Chamber of the Supreme Court issued sentences 155 and 156, which ratify the alleged contempt incurred by the National Assembly when incorporating the MPs of Amazonas state, whose appointment had been questioned. Although the National Assembly revoked the aforementioned incorporation, the rulings dictated that the action should be carried out in a session convened by the previous directive to the one installed on 5 January 2017, so all the acts of the Parliament were null. The Supreme Court assumed the powers of the National Assembly until the demand of the court was met.

The Attorney General of the Republic Luisa Ortega Díaz spoke on 31 March, stating that these sentences meant the breaking of the constitutional order.

On 29 March, the President summoned the National Defense Council to resolve what he considered an impasse between the Prosecutor's Office and the Supreme Court. In Resolution of 1 April, this instance stated that the Supreme Court should review both sentences. The Constitutional Chamber complied with the resolution and revoked the measures by means of judgments 157 and 158. However, the affectation of the right to citizen participa-

tion through parliamentary action continued, given the ignorance of the National Assembly's acts by the other powers of the State.

These political events, understood as a democratic breakdown, did nothing but aggravate the unrest that the Venezuelan population accumulated due to the deterioration of the economic situation, lack of food and medicines, precarisation of public services and violence. As of 1 April 2017, protests took place throughout the national territory for four months.

The Venezuelan Observatory of Social Conflictivity (OVCS) accounted for 9,787 protests throughout 2017, equivalent to 27 daily protests throughout the country. This figure represented a 41% increase, compared to 2016, when 6,917 demonstrations with a daily average of 19 were documented.

Despite the government attempts to prevent mobilisations through repressive mechanisms, different citizen protest initiatives emerged during those months, such as the Citizen Laboratory of Active Nonviolence, Piloneras, BusTV, Public Information Service, Dale Letra, Canta El Pueblo, "el Señor del Papagayo," Billete Alzao and Humano Derecho Radio in Caracas; Platos Vacíos, Versos de mi Tierra, Próceres en Desobediencia and Conversaciones Democráticas in Barquisimeto, as well as Colectivo Artístico Hambrientos in Mérida.

On 1 May 2017, Nicolás Maduro announced the call of a National Constituent Assembly (ANC) and a Presidential Commission for its formation, through decrees 2,830 and 2,831 published in the Extraordinary Official Gazette N° 6,295, in what was considered a political move to break the Popular Rebellion.

Democratic factors of society immediately rejected this call and signed a document under the name of Great National Agreement, presen-

ted on 3 July by Julio Borges, president of the AN back then, through which a national consultation is called for on the 16 that same month.

Although President Maduro declared that only the National Electoral Council (CNE) had the power to hold a referendum, on the indicated day the citizenship was mobilised in a large popular consultation that brought together 7,535,259 people, 693,789 of them were abroad. The symbolic value of the consultation was not enough to prevent the summoning of the ANC that followed its course despite the irregularities reported by several organisations.

In 2017, the policy of strengthening the so-called "People's Power" openly continued as the only way to recognise citizen action in public affairs. The opacity and limits established in the access to information did not allow to update the official figures on the number of instances that have been structured as organisational forms of People's Power in the last year.

Finally, on 8 November 2017, the ANC approved the Constitutional Law against Hate for the Peaceful Coexistence and Tolerance, published in the Official Gazette N° 41.274. This law establishes sentences of up to 20 years in prison for anyone who incites hatred, discrimination or violence against a person or group of people by any means. It revokes the concession of the service provider of radio or television, penalties twitterers, legalises the blocking of portals. It orders the Electoral Council to revoke the registration of political organisations that promote fascism, intolerance or national, racial, ethnic, religious, political, social, ideological, gender, sexual orientation, gender identity, gender expression hatred and of any other nature. In this way, the crime of opinion is installed and full discretion is opened to apply this law, especially to political dissidence, under the diffuse interpretation of the meaning of hatred.



Right to life

In 2017, Provea managed to identify a total of 397 people victims of violation to the right to life, figure that, according to our records, represents a 17.80% increase over the previous period, maintaining an ascending behavior for the sixth consecutive year, which consolidates the increase tendency since 2012. This data marks a new record in the total number of deaths caused by the action of state security bodies since 1989, however -as we have warned in other reports-, it has an important sub-registry that we have not been able to obtain, because there is no public information available, which is raised by State institutions such as the Attorney General's Office or the Ombudsman's Office.

In relation to the pattern of violation to which the death responds, it is evident that it is the "executions" (359 victims) the one that holds a greater number of deaths, accounting for 90.42% of the deaths; followed by "negligence" (14) which brings together 3.52% of the total deaths; "Excessive use of force" (11) and "indiscriminate use of force" (10) that sum 2.77% and 2.51% of deaths respectively; and finally we found 3 victims of violation to the right to life for "torture, cruel, inhuman or degrading treatment or punishment," which

represents 0.75% of the total of victimised people. Therefore, it is the deliberate action of state security officials what is increasing violations to the right to life and stands as a clear indicator of the raise in deadly state violence.

Along with the Execution pattern, the others that increase their presence with respect to the previous period are "negligence," which increases by 71.43% with respect to what is known in 2016, and the indiscriminate use of force with a 10% increase.

We emphasise that the past 16 November 2017, during the filing of the complaint against Nicolás Maduro, Vladimir Padrino López, Néstor Reverol, Gustavo González López and Antonio Benavides Torres before the International Criminal Court for their alleged responsibility in the commission of Crimes against Humanity, the Attorney General of the Republic unconstitutionally dismissed by the ANC, Luisa Ortega Díaz, affirmed that 8,291 people would have been killed by agents of the public force from January 2015 to June 2017, according to the data released by the Venezuelan Public Ministry.

The Prosecutor explained that, 1,777 people had been killed by military and poli-

ce officers in 2015, the number of murders in 2016 would have amounted 4,667 people, and around 1,847 people would have been killed by agents of the security forces from January to June 2017, as said by the Prosecutor in the context of “a social cleansing plan that the government pursues.” Ortega Díaz also reiterated the information provided in the 2016 Annual Report of the Public Ministry, in which it was pointed out that since the beginning of the Operation People’s Liberation in June 2015, until December 2016, 512 people were killed by police and military officials. Most of these deaths would have occurred under the description of extrajudicial executions that were subsequently presented to the public as “deaths by confrontation.”

According to these figures, 9 people were murdered on a daily basis by the Venezuelan State security forces during approximately 912 days. The Venezuelan Public Ministry reported in 2015 that a total of 17,778 people were victims of homicides, which placed the rate at 58 homicides per 100,000 inhabitants; by the end of 2016, the Prosecutor’s Office reported that 21,752 people had been victims of homicides, which raised the rate to 70.1 homicides per 100 inhabitants. According to this data, the Venezuelan State was responsible for a number of homicides that represented 10% of the total violent deaths recorded in the 2015 period; while in 2016, the responsibility of the State rose to the alarming rate of 21.45% of the total.

We had already warned in our 2015 Annual Report: the government began a real war against citizens, especially against the poorest. The adoption of hard-line strategies and warmongering logic in the control of citizen security and the management of demonstrations are aimed at intimidating and generating fear

among the inhabitants of the humble areas and political dissidents, to consolidate control and containment mechanisms against the growing social discontent. The government, transformed into a dictatorship, continues to extend the vision of the external and internal enemy and to reinforce the warmongering logic and the stigmatisation and criminalisation of different social actors in order to justify the excessive use of force by police and military officials. The militarisation of citizen security and the militarisation of police action, protected by the doctrine of national security, entails serious risks for personal guarantees, as it implies the military occupation of the national territory for the “defense” against an “internal enemy,” which turns out to be the citizen, whether peasants, alleged criminals, workers, political leaders, human rights activists, or any other.

Out of the total of victims identified, a total of 7 female victims were registered, representing 1.7% of the total, and 390 male victims, which make up 98.23% of the total, evidencing once again the male vulnerability. In this sense, young men are more victimised in the context of violations to the right to life. The age range ranges from 2 years old (extreme data) to 70 years old. With a positive asymmetric distribution, the concentration of victims is observed between the earliest ages. In fact, most are 20-year-olds and the average age is 25 years old.

Derecho a la VIDA

La Fiscal General,

Luisa Ortega Díaz, denunció que entre enero y junio de 2017 unas

1.847 personas

habrían sido asesinadas por agentes de la fuerza pública.



Provea identificó a **397**

personas víctimas de violación al derecho a la vida en 2017, un aumento de 17,51% respecto al 2016.

Del total de víctimas identificadas, se registró un total de

7

víctimas del sexo femenino, que representan el 1,7%.

390

víctimas del sexo masculino que constituyen el 98,23% del total.



Según el Ministerio Público **8.291** personas fueron asesinadas por agentes de la fuerza pública entre enero de 2015 y junio de 2017.



Actions before International Organisations

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National Human Rights Organisations

Since the beginning of 2017, the raise in the human rights crisis has been observed in Venezuela. Abruptly, the humanitarian emergency became complex and the innumerable protests in all the states of the country announced the arrival of the citizens' quality of life deterioration. At the end of January, complaints from the Venezuelan Pharmaceutical Federation linked to the absence of medicines and medical supplies indicated that the shortage was around 85% and, at the same time, civil society organisations were working to broaden their scope of action, in order to face the obvious violations to the right to access to health and food that became recurrent day after day.

On 1 April 2017, discontent was unleashed due to the lack of the State's response to the institutional crisis that currently places specific facts of massive and systematic violations to human rights. Also, due to the absence of conclusive arguments regarding to the deterioration of the Venezuelans' quality of life, international organisations strongly demand to verify on-site visits to the country.

For over four months, the streets were filled with concerned people, who mostly raised their voices to demand the guarantee of their

rights and, what began as a protest for the disrespect to the Constitution with the judgments 157 and 158 issued by the Supreme Court of Justice, which attributed the functions of the National Assembly to the National Executive through special powers; was transformed, according to reports by the Venezuelan Observatory of Social Conflict (OVCS), into 4,182 demonstrations until 9 July, equivalent to 42 daily protests.

On 4 April 2017, more than 100 human rights organisations in the country demanded the resignation of the Ombudsman in charge, Tarek William Saab, for supporting the coup d'état to the parliament, criminalising international organisations and defending the sentences issued by the Supreme Court. Representatives of the NGOs reiterated that such actions did not comply with the principles of the Paris Protocol and also recalled the statements of the Attorney General of the Republic, Luisa Ortega Díaz who denounced the Venezuela's break in constitutional order on 31 March 2017.

Programa Venezolano de Educación-Acción en Derechos Humanos (Provea, Venezuelan Program in Education-Action in Human Rights), along with the NGOs Centro

de Derechos Humanos of Universidad Católica Andrés Bello, Civilis Derechos Humanos and Espacio Público issued a report on 5 November 2017 under the title “De aquella impunidad vienen estas torturas” (These tortures come from that impunity in English) for the Committee Against Torture (CAT), in order to update and evaluate the aspects on which the country should implement and report significant advances in the prevention and sanction of torture 18 months after analysing the combined third and fourth periodic report Venezuela. The purpose of the document also focused on two areas in which the State committed to show progress and report within 12 months: (a) carry out investigations into all allegations of torture and ill-treatment and of excessive use of force by agents of public order and pro-government armed groups; and (b) prosecute suspects and punish those guilty of torture and ill-treatment.

The NGOs also indicated in the report that the State has not taken sufficient action to resolve the situation of torture, and in some areas the problem has even worsened, as is the case of Operation Liberation of the People and arbitrary arrests politically motivated in the context of the request for activation of the referendum.

On 7 July 2017, more than 80 organisations working for human rights in the country asked the Inter-American Commission on Human Rights for a new country report on human rights and democracy in Venezuela, given the seriousness of the situation, as a prolonged period of time had passed since the last report published by the entity, during which it was not possible to make field visits due to the State’s denials. During this period, the Commission learned and warned of the human rights deterioration magnitude and the

seriousness of the threats that exist against the rule of law and the democratic system within a context of severe setbacks and institutional fragility, causing the humanitarian crisis, widespread poverty and irreparable damage due to the difficulty of access to food, medicines and health services.

Civil society organisations presented an urgent human rights agenda to the country on 15 September 2017 by means of a document that offers diagnosis and proposals for specific actions on five crisis situation issues that violate the human rights of a large part of the Venezuelan population and that require the immediate implementation of corrective measures. These recommendations were the result of consensus among 296 national NGOs with different areas of specialisation and 549 activists.

The document develops and denounces the deterioration and regression that democracy has suffered in the last 18 years, emphasising the months when the Government attacked democratic freedoms with the aim of establishing the National Constituent Assembly that brought as a consequence a non-democratic period and ending in the need to demand the accompaniment and positioning of international community actors to help and support the restoration of constitutional and democratic order.

Propuestas y Exigencias





Right to food

- Resort to international humanitarian aid mechanisms for the short-term mitigation of the serious food crisis affecting the country.
- Design and execute public policies that guarantee the adequate stimulation of the internal production, the sufficient supplying, the economic accessibility and the quality of the food.
- Guarantee an information system of public access on the conditions of food and nutrition security in the country, with updated and disaggregated indicators on obesity, malnutrition and hidden hunger in the population.
- Disassemble, in a gradual manner, the plan Comité Local de Abastecimiento y Producción (Local Committee of Supplying and Production) and redirect the assistance to the most vulnerable sectors, guaranteeing frequency and stability of the food supply, the ability to choose what to buy and at affordable prices throughout the national territory, adopting policies against the crisis of food shortage and the high cost of products.
- Promote and exhaust all mechanisms available to foster dialogue between the public and private agro-productive sector, aiming to boost national production and to reduce dependence on food imports, while increasing national production.

Right to healthy environment

- Provide a larger budget to the Ministry of People's Power for Ecosocialism and Water with the purpose of increasing technical resources and equipment to do more and better surveillance, supervision and environmental monitoring, especially in the states of Bolívar and Amazonas.

- Review, in general, of existing files in the Ministry of People's Power for Ecosocialism and Water, by the Attorney General of the Republic, regarding to works and activities carried out in the country, in order to examine compliance with environmental regulations, especially in terms of authorisations for the occupation of the territory and the affectation of natural resources.
- Reverse the implementation, development and expansion of the National Strategic Development Area. Orinoco Mining Arc, until the necessary environmental impact studies are made and a prior, free and informed consultation with the indigenous communities, affected by small, medium and large-scale mining activities; is carried out. Adopt appropriate measures to prevent National Park Canaima from being intervened for illegal activities, such as mining, within its boundaries.
- Create mechanisms for liaison and periodic communication between the Ministry, hydrological companies and city halls to find permanent diagnoses of problems with drinking water service, agreeing on joint solutions.
- Elaborate a Plan of Regulation of Use for Bolívar State, making the necessary public consultations, with the purpose of harmonising uses and activities that respect the indigenous communities and the Areas Under Special Administration Regime, especially in protected areas and international agreements.

Right to education

- Take necessary measures to stop the progressive deterioration of the quality of education, adopting -comprehensively- the recommendations issued by the educational consultation process, carried out in 2014.

- Improve the working conditions and professionalisation of the teaching staff. Comply with collective agreements and refrain from forcing the teaching staff to carry out political proselytising, respecting academic freedom. Encourage and prioritise the teaching career, mainly in those disciplines where deficits are diagnosed.
- Promote a plan for the construction and maintenance of physical and environmental infrastructure, and refrain from transferring the cost of building maintenance to the educational community. Guarantee an effective and lasting safety plan for educational institutions, addressing the phenomenon of school violence.
- Address urgently the process of basic education enrolment's decrease, ensuring the effective functioning of the School Feeding Program.
- Respect university autonomy, allocating sufficient budget for the universities, adequate salaries for the university teacher and administrative and labor personnel, as well as urgently address the process of teacher downturn and student desertion.
- Implement the mechanism of tripartite social dialogue between workers, public and private sector employers and the State, established by the International Labor Organization, on issues such as minimum wage fixing and the design of public labor policies. Mitigate the loss of the real wage's purchasing power, adopting effective measures to control inflation, ceasing the policy that damages the right to a sufficient salary that gives a greater proportion to the food bonus, without incidents, than to the real wage.
- Cease immediately acts that promote discrimination against workers and employees of the public administration and state enterprises because of their political opinions, and investigate and punish officials who have engaged in this type of activities that are harmful to the rights of workers, in accordance with current labor legislation.
- Investigate in a prompt, efficient and transparent manner the murders of trade unionists and workers, in cases of contract killings or as a result of violent acts associated with trade union activity; determining the perpetrators and imposing sanctions on those responsible.

Labor rights

- Respect the right to collective negotiation through the activation, discussion and signing of expired collective agreements, mainly in State institutions and companies.
- Respect, in full, the right to freedom of association, ending the administrative and judicial measures that impede and criminalise it. Guarantee the exercise of the constitutional right to strike, to peaceful demonstration, to freedom of association and assembly as well as to investigate and sanction dismissals for political reasons.

Rights of indigenous peoples

- Implement a comprehensive urgent food and health plan to address the indigenous humanitarian crisis, with special attention to the Warao and Yukpa peoples.
- Establish adequate measures to prevent groups of armed mafias and armed irregular groups from continuing to develop illegal mining and contraband work in indigenous territories of Bolívar and Amazonas.
- Paralyse immediately the Orinoco Mining Arc Project and the artisanal and

illegal extractive activities in indigenous areas carried out within its context, until a free, prior and informed consultation process and the environmental impact studies are completed.

- Guarantee protection for indigenous leaders who exercise their rights to the custody and protection of their lands and environment in their territories, protecting them from being victims of the mining mafias action.
- Activation of the Territory Demarcation Commission and activation of the approval and delivery of the collective property titles of the indigenous peoples and communities, as established in the Constitution of the Bolivarian Republic of Venezuela.

Right to health

- Desist from taking measures that try to use access to goods and services to recover health as a means of persuasion, coercion or political coercion, depriving of medicines, vaccines and care services to those who do not have the Fatherland's card or do not militate in political movements in favor of the government.
- Raise the censorship to the publication of the weekly epidemiological bulletins, records and statistics of the health system; morbidity and mortality yearbooks; and official documents on policies, budgets and health programs; which violate the right of access to public information, increases the dangers for the health of the population and health personnel, and prevents the application of educational and precautionary measures, impeding the evaluation of the relevance, efficacy and effectiveness of public health functions; the performance of health care centers; and the behavior of diseases and health risks.
- Make maximum use of the mechanisms and resources of international assistance and cooperation available to intergovernmental agencies and specialised agencies in the field of humanitarian aid -of which Venezuela is party and to which the population is entitled-, in order to deliver immediately, transparently and without discrimination for any reason; medicines, supplies and services to all people, in the necessary and adequate amount, frequency and characteristics, to avoid the loss of more human lives, the increase of effects on the people's health and the continuous expansion of epidemics inside and outside the borders of the country.
- Undertake immediately a national plan to restore the governing, administrative and operational capacities of the public health system, as an international and constitutional obligation, with sufficient resources, technical and financial assistance from international organisations and the participation of all public and private health institutions, the National Assembly, the governorates and mayorships, the unions of professionals and health workers, the organisations of affected people, the academy and universities of the country.
- Improve the working and professionalisation conditions of the different associations that make up the health sector, guaranteeing a decent salary and other social benefits to health professionals and technicians without discrimination of any kind, starting with the discussion of their experi-

red collective agreements and compliance with current ones

Right to social security

- Develop and execute the Organic Law of the Social Security System.
- Increase the benefit schemes in its extension, diversifying the number of public institutions to relieve the burden of the Venezuelan Institute of Social Security.
- Promote the Law on Pensions and other Financial Benefits as a component of the Pension and Other Financial Benefit Regime, defining a comprehensive policy that encompasses Gran Misión Hogares de la Patria (Great Mission Homes of the Fatherland) and Gran Misión Amor Mayor Venezuela (Great Mission Greater Love Venezuela), specifying the financing and the contributions.
- Promote the design of social policies, minimum conditions of social protection that guarantee the necessary conditions of decent living standards for the most vulnerable populations.
- Develop an evaluation and monitoring system with indicators of social programs that addresses crucial aspects such as selection criteria, social diagnosis of the beneficiaries and a follow-up mechanism that include the socioeconomic needs of these beneficiaries.

Right to land

- The entities related to agriculture and access to land must publish their respective Report and Accounts, indexes and statistics, in accordance with Article 244 of the Constitution and Article 14 of the Organic Law of the Public Administration.

- Evaluate the impact and possible derogation of the effects of Regional Decree N° 3203 in the state of Yaracuy, which promotes the demobilisation and eviction of producers, reported in 2015 and 2016 by Provea.
- Ensure transparency and compliance with due process in the cases of land recovery and regularisation, as well as the timely compensation of expropriated lands.
- Recognition of the separation of powers principle and of the National Assembly's legitimacy by the Ombudsman's Office and the Public Ministry. Therefore, legislative initiatives such as the Special Law for the protection of peasants, family members and victims of hired killers and serious violence are required to be presented before the National Assembly for debate and promulgation.
- Accelerate the investigations of the murders, forced disappearances and human rights violations reported by the peasant organisations, sanctioning their material and intellectual leaders.

Right to housing

- Eliminate the allocation of social interest housing through the so-called "Carnet de la Patria" (Fatherland's Card) and any other mechanism of access to housing and habitat policies that mean discrimination for political reasons.
- Make public the Report and Account of the Ministry of Housing and Habitat, and publish once again the quarterly reports of the Central Bank of Venezuela.
- Restore the powers of the National Assembly for the approval of budgets and the hiring of the Republic to international third

parties, thus supervising the execution of international housing agreements.

- Continue granting title deeds to allocated homes through Gran Misión Vivienda Venezuela (Great Mission Housing Venezuela) until reaching 100% of its beneficiaries.
- Investigate and sanction the human rights violations reported in the April-July 2017 demonstrations, which include illegal raids, inhuman treatment, arbitrary detention and theft of housing by police and military officials.

Right to personal integrity

- Investigate and promote sanctions before the Judicial Power, against all officials and members of pro-government armed groups involved in cases of violations to personal integrity during the 2017 protests.
- Ensure that the work of citizen security and control of public order are strictly executed by bodies of a civil nature, in accordance with the provisions of the National Constitution.
- Allow the visit of the IACHR and UN Special Rapporteurs against Torture; and Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- The National Assembly must reform the Special Law to Prevent Torture and other Cruel Treatment and harmonise the concept of torture contained in the legal instrument with article 17 of the Convention against Torture and other cruel, inhuman or degrading treatment or punishment. Likewise, the State must create a decentralised national program for the integral rehabilitation of victims of torture.

- Ensure strict compliance with the Special Law to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment, sanctioning officials who commit the offenses established therein, which contributes to reducing the high degree of impunity for acts of torture.

Right to justice

- Comply with a constitutional mandate to guarantee an impartial and independent administration of justice, demanding magistrates, judges, prosecutors and public defenders to act in the exercise of their functions, free of partisan interference or any other that affects their independence.
- Cease the instrumentalization of the justice system to persecute the political dissidence, criminalise those who exercise the right to protest and strike and refrain from using military justice to judge civilians, as well as respecting the due process by complying, among others, with release orders and criminal benefits.
- Develop policies and implement urgent measures to guarantee the access to justice, to adopt mechanisms to reduce procedural delays and to administrate justice promptly and timely.
- Eradicate impunity, especially in cases that link members of the State armed bodies to human rights violations, and guarantee comprehensive reparation to the victims.
- Implement urgent measures to resolve prison overcrowding, health care and feeding of all detainees, both in the National Penitentiary System and in all police stations and military jails in the country.

Right to personal freedom

- Comply with and enforce articles 44 (personal freedom) and 47 (inviolability of the domestic household) of the Constitution, as well as 9, 234, 127, 196 and 197 of the Organic Code of Criminal Procedure. No authority should practice, nor tolerate, the arrest of a person who is not in flagrante delicto or who does not hold a prior arrest order issued by a court.
- Develop an official, consolidated general record of the number of people detained annually. This information must be public and presented in detail by months, states, sex, age, legal reasons, institutional body that practiced the detention, detention center, procedural status of the detainee, among others.
- Prohibit the intervention of military forces in the control of demonstrations, the practice of arrests in processes of a civil nature and other tasks of citizen security.
- Effectively prosecute, both criminally and administratively, military and police officers involved in unlawful deprivation of liberty and other related crimes. Carry out the respective statistics on these cases and make them public.

Right to participation

- Investigate and punish the officials responsible for the deaths, torture, arbitrary arrests and application of military justice to civilian demonstrators in the protests identified as the 2017 Popular Rebellion.
- Respect the right to elect and be elected and abstain from adopting measures of any nature that imply sanction for exercising the right to vote for the political option of preference.

- Refrain from obstructing citizen initiatives that are aimed at demanding accountability from officials and ensure that complaints and petitions are properly carried out.
- Guarantee the autonomy of social organisations and abstain, therefore, from imposing norms and measures that force organisations to submit themselves, its programs and projects to the protection of the State.

Right to life

- Ensure that the work of citizen security and control of public order are strictly executed by bodies of a civil nature, in accordance with the provisions of the National Constitution.
- Open an inquiry on the cases of death in confrontations and face impunity on violations to the right to life with joint initiatives of the Judiciary, Public Prosecutor's Office and Ombudsman's Office, which will accelerate investigations and the development of trials to punish those responsible.
- Maintain a strict surveillance on the actions of police, security officers and Bolivarian National Armed Forces, raising awareness of the absolute respect for the right to life and the magnitude of the executions that have taken place in the country in the recent past.
- Investigate and sanction police and military officials involved in human rights violations, specifically violations to the right to life, in the context of protests, and refrain from encouraging the commission of human rights abuses through the stigmatisation and criminalisation of human rights. expression of social discontent and political dissent.

- Allow the exercise of the citizen comptroller through the timely publication of data and figures related to the performance of State security bodies in operations of citizen security, management of demonstrations and prison surveillance, in order to identify the circumstances in which the deaths of citizens occur in these contexts and request investigations and corresponding sanctions in cases of human rights violations.





Special Report

Protests, Human Rights and Repression (1989-2017)

Elements to understand the culture of
protest in Venezuela

Nelson Freitez Amaro



The street protest, as an expression of human rights demand, is long-standing in Venezuela. In different moments of the republican life, it has broken into public spaces to influence decision-makers of the State, especially at crises of our society, due to the severe deterioration of the population's living conditions, in the midst of struggles for political hegemony, or the search for recognition of certain social groups. Since the events of February 1989, known as "El Caracazo", the volume, intensity and diversity of public protest means have increased steadily, becoming a distinctive and daily feature of Venezuelan urban life.

Since the 90s of the twentieth century, a massive practice of demanding human rights expressed in several street protest means has developed intensely in the country. Different social and political actors of different social groups exercised a varied repertoire of collective actions aimed at putting pressure on state entities, demanding answers to unmet needs and expressing aspirations for socio-economic and political change. A large part of them were generated apart from the mechanisms and institutional channels of the socio-political system and were carried out by social groups traditionally excluded from the state's attention. Since 1998, within the context of the so-called "Bolivarian Process," the street protest has gone through different levels of intensity, staged by popular actors, media and business sectors. The actions were stimulated by multiple socio-economic and political motivations, diversifying in their forms of expression and reaching "peaks" of mobilisation with broad social and territorial coverage. At the same time, it has been subjected to different and growing modalities of co-optation, criminalisation and state repression.

On the constituent elements of a Protest Culture in Venezuela

For the study that concerns us, the disruptive, confrontational and -in some cases- violent street protests in the Venezuela of the end of the century and up to the present, the fundamental question is the identification of possible factors that explain such collective behaviors, during "El Caracazo" and - very relevant for this essay-, in the following decades.

The hypothesis on the existence of cultural matrices of conflict resolution is formulated on the basis of the notion of culture as a memory -"the long-standing memory of the collective-" that have been historically shaped in Venezuelan society (Hernández, 1994: 104), with special emphasis among the popular sectors traditionally excluded in access to centers of power and the distribution of oil revenues.

In the memory of the excluded sectors of our society, among others, three constitutive elements on what could be integrated into a cultural matrix can be identified:

1. The idea of living in a country endowed with enormous wealth, broadly disseminated by its elites at various times in the development of the petro-state;
2. The recurring promise that this wealth would be redistributed in a broad way, creating opportunities and well-being for all, which is intensely reiterated above all by messianic leaders of turn in each electoral event and;
3. The progressive social inclusion of the popular sectors in the benefits of the national income redistribution by the elites in power through partisan and state clientelist mechanisms.

These notions, which we could find in the predominant imaginary of popular sectors, set a negotiated, institutional, channelled dispute resolution matrix, which worked for a few decades under the political system of conciliation of the elites, in which the processing of popular demands was made through state agencies, parties and unions, forming that sort of “illusion of harmony” of society with low street conflict level that was referred to in Venezuela until the 1980s. This system was the one that “broke out” socially and politically through “El Caracazo,” opening the stage to the modification of this “cultural matrix” by another one that tends to the controversy and demand resolution through conflicts and street protests.

It was generated in the decade of the 90s, expressed in the multiple protests already referred to as, “...a change of consciousness among the popular sectors, a collective perception of the present that was different from the one prevailing until then” (López-Maya, 1999: 16-17). This change, according to this author, contains fundamental aspects to understand:

- » The change in the nature of the protests (from “conventional” to “confrontational”, from sporadic or punctual to recurrent and growing).
- » The massive questioning of the growing and severe deterioration in the living conditions of the popular sectors expressed angrily and massively.
- » The disbelief and delegitimization of the elites in power that these protests entail.
- » The new disposition that emerges in these sectors to star and influence the general changes of the country, within the context of the upcoming presiden-

tial election, and with the demands made on the street to the new government after its election.

In this way, a culture of protest is set on the basis of the substrate of a conflict resolution’s cultural matrix, containing a recorded memory of prescriptions and prohibitions, which can be altered and questioned in prolonged situations of deprivation and deterioration of basic life conditions and absence of institutional channels for the recognition of and response to social needs (whether state, partisan and union). This happened in the years in reference.

The protest cycles and State policies in face of the right to public demonstration in the “Bolivarian Process” (1999-2017).

1st Phase: Beginning of the Bolivarian project implementation: Polarisation/socio-political confrontation and intensification of protests. Somewhat low military repression. Beginning of paramilitary repression (1999-2004)

This initial phase of execution of the Bolivarian project is characterised, in terms of the right to public demonstration, by explicit recognition of it and the guarantees that its full exercise requires in the constituent process and in the constitutional text (Article 68 of the Constitution of the Bolivarian Republic of Venezuela).

Given the enormous expectations with the election of President Chávez and the “empowerment” reached by sectors traditionally excluded due to their intense social mobilisation since “El Caracazo,” the level of street protests keeps increasing “...gradually... with few variations”, although sustained of about 1,357 annual protests on average (Provea, 2010: cxvii) in a total of 6,786 on the period (Chart N° 1).

Chart No. 1
Venezuela
Pacific and violent demonstrations in years
1999/2000-2009/2010

Period	Peaceful demonstrations	Violent demonstrations
1999/2000	1.263	151
2000/2001	1.169	143
2001/2002	1.141	121
2002/2003	1.243	300
2003/2004	1.037	218
2004/2005	1.417	117
2005/2006	1.280	103
2006/2007	1.521	55
2007/2008	1.680	83
2008/2009	2.822	71
2009/2010	3.266	46

Source: Espacio Público and PROVEA's database

Chart No. 2
Venezuela
Protest motivations
Oct. 1999 – Sep. 2004

Period	Economic, Social and Cultural Rights demands	Civil and Political Rights demands
1999/2000	1120	143
2000/2001	1180	132
2001/2002	882	380
2002/2003	755	703
2003/2004	675	536

Source: Espacio Público and PROVEA's database

The demonstrations demanding social rights were predominant (70.8%), although the protests for civil and political rights reached greater public visibility in the media (Chart N° 2), especially due to the acute political polarisation that has been growing since the beginning of the administration.

This is a period intensely marked by a hegemonic fight between the political, economic and social actors from the very beginning of the presidential administration, given the decisions taken, its severe and confrontational discourse and the insurreccional strategy of certain sectors of the political opposition toward the President. Once the 49 decree-laws were approved in November 2001, a series of increasingly disruptive and violent events were unleashed, in the midst of an intense street mobilisation by media and business sectors, which was counterbalanced by demonstrations in support to the President of the Republic. In the context of this protest cycle, protests for social rights and for civil and political rights (see chart N° 2) are almost equal in intensity and amount, aimed at putting pressure on the eviction of the President's power (from 2002 to 2004). The Cycle of Protest involves the intensity, territorial and social coverage reached by the protests and the sequential interaction between sectors of opposition and support for the government, which ranged from the end of 2001 to the results of the Presidential Referendum, "leading" to the ratification of President Chávez.

Among the popular sectors there are clear expectations of inclusion and social improvement due to the accumulation of electoral promises made by the President-in-Office and the recent approval of a new National Constitution containing a very broad and universal framework of social rights. This is reflected in

their intense protest mobilisation demanding answers to their unmet needs (e.g. access to housing) and in support of the presidential management. It is also a time of accelerated and massive initiative of popular organisation, oriented to equip the popular sectors with the means to demand and concretise aspirations for the long-desired improvements and social inclusion. It is striking in the characteristics of the protests that, in spite of their political content associated to the questioning of the government and the requirement of their resignation "...at this stage, there is no significant increase in repression by State security agencies... nor is the administration of justice used to carry out criminal proceedings against those who protest in a peaceful manner" (Provea, 2010: cxcxi). From 2001 to 2004, the repressed, peaceful demonstrations diminish annually, despite the fact that during this period events of a high political conflict take place, such as the Coup d'État and the Oil Strike (Graph No1).

This aspect is a highlight feature because the largest proportion of protests from 2000 to 2005 constitute the "street closure" with its evident disruptive characteristic and its consequent impact on free transit (Chart N° 3).

This phase is closing with the implementation and dissemination of the Presidential Referendum's results, which were significantly favorable to the ratification of President Chávez's power. In the process of pressure to obtain the approval of the implementation of such a consultation, political protests self-proclaimed "Guarimbas" were held at the beginning, closing streets, rallies and "cacerolazos", which were heavily repressed with firearms by State officials and associated armed civilians, ending in injuries and deaths.

Chart No. 3
Venezuela
Protest array 2000 – 2005

Period	Street closure	Rally	March	Work stoppage	Toma establecimiento
2000/2001	381	178	112	121	221
2001/2002	332	252	122	132	161
2002/2003	399	323	178	104	128
2003/2004	370	347	108	86	79
2004/2005	526	442	88	80	129

Source: PROVEA's database

This period was the scene of intense social and political protest processes, in a context of increasing political polarisation, which, despite the fact that most demonstrations were treated with a low level of military or armed-civilian repression, generated significant lethality by the use of firearms in demonstrations as an instrument of confrontation between rival groups.

2nd Phase: “Radicalisation” of the Bolivarian Project: Increase of social protests, discursive disqualification and repression from power. Imposition of legal restrictions and judicialization of the Right to Manifestation (2005-2012)

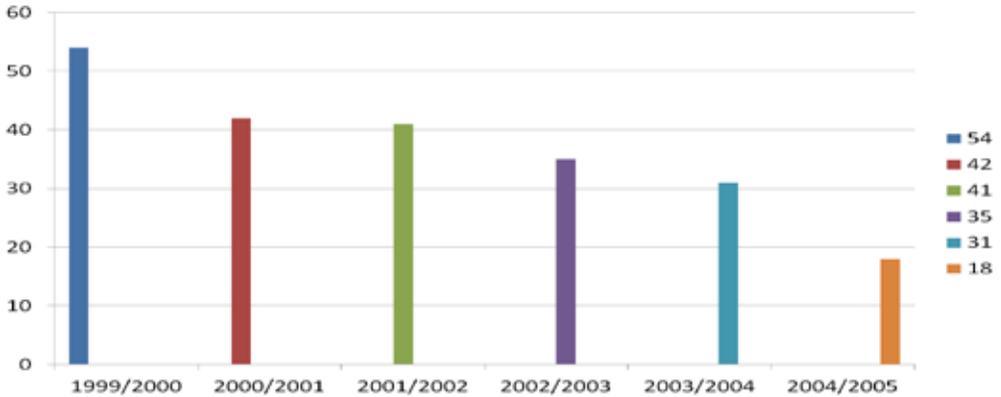
This long phase begins in the context of the ruling party's electoral victories in the governors elections (2004), parliamentary elections (2005) and the re-election of President Chávez (2006), after the leader of the “Bolivarian Process” was triumphant in the Presidential Referendum (August 2004). Such results create the political conditions to “accelerate and radicalise” the implementation of the “Bolivarian Project.”

As of 2005, the protests for civil and political rights present an evident decrease, given

the successive political and electoral defeats of the opposition leadership and population. The demonstrations for social rights increased in almost 40%, in contrast with the two previous years (2003-2004), which is associated with the high expectations generated, on the one hand, by the re-election of the President and, on the other, by the massive and highly promoted implementation of Social Missions since 2004, in the context of a very high increase in oil prices from 2003 to 2008 (Chart N° 4).

In the first years of government of this second Phase, the priorities of attention to the social subjects that the government selects as its foundation of political support are evident: the most excluded popular sectors in the socio-economic and the political landscape “...the population is served from the condition of citizens, and do not have the place of work as an anchorage, but rather spaces of life and community... socio-labor policies aimed at the poorest...” (Lucena, 2007:71). However, the magnitude of the expectations, the accumulated “social debt” as a component of predominant protest culture in the popular sectors, influences the high level of demonstrations for social rights, against which “... as of that time, the government begins to despair

Graph No. 1
Venezuela. Peaceful demonstrations repressed.
Period 1999-2005



Fuente: Base de datos PROVEA

with social protest... before 2005 there were no imprisonments or judicialization for social protests.” (Alvarado, M. Interview 6.4.2018)

Although the President himself, in a Sunday program “Alo Presidente,” promoted the protest of communities if the public bodies did not respond appropriately or opportunely, from those years (2005 onwards) several instances of the State adopted a set of decisions and legal and administrative measures aimed at imposing restrictions and sanctions on the right to public demonstration, strike and expression, including the opening of legal proceedings against protesters (Modifications to the Organic Code of Criminal Procedure, Organic Law on the Security of the Nation, Law for the Defence of Persons in the Access to Goods and Services, Special Law of Popular Consumer Defence against Hoarding and Speculation and the Law of Transit and Land Transportation).

This criminalisation of social protest was expressed in the massive detention of demonstrators, many of which were presented in courts of justice. In this long phase, which aimed to “accelerate and radicalise” the Bolivarian process, restrictive and sanctioning regulations were enacted to limit or impede the right to public demonstration, decisions were taken by state bodies to criminalise, arrest and incarcerate protesters, repressive actions over peaceful demonstrations by state security agencies increased and, also, the operation of groups of armed civilians to repress demonstrators increased. However, social and even political protests significantly increased with the deterioration in living conditions, the increase in poverty, the reductions in the coverage and quality of public services and the loss of the population’s purchasing power.

3rd Phase: Towards the “Military-Communal State”: De-legitimation, impoverishment, humanitarian emergency and militarisation/intensification of protests and military and paramilitary repression (2013-2017)

From the beginning of this Phase, the limited legitimacy of civil leadership at the head of the State was evident. The questioned 2013 presidential elections revealed not only the already well-known expressions of advantageous electoral processes, but serious illegalities in the presidential substitution procedure, as well as very closed results that left margins of reasonable doubt about them. Since then (April 2013), political protests have intensified and, also, motivations to demand for economic, social and cultural rights, up to the point that statistics reached more than 30 thousand protests from 2012 to 2016, with an average of more than 6 thousand protests a year, being 2014 and 2016 the most acute years, according to the Venezuelan Observatory of Social Conflict, with the following annual sequence:

- » 5483 protests in 2012
- » 4410 protests in 2013
- » 9286 protests in 2014 (25 daily)
- » 5851 protests in 2015
- » 6917 protests in 2016

Such high intensity and magnitude of public demonstrations from several sectors of the population can find an explanation considering the following factors:

- » Exponential growth of the inflation index from 2014 to 2015, which, according to the Central Bank of Venezuela, goes from 180.9% per year to a consumer price level unofficially calculated

in 2016 at 550%. In 2017, the Finance Committee of the National Assembly estimated an annual inflation of 2.616%, which places the country's economy in the context of a hyperinflationary situation, with serious repercussions on the wages and purchasing power of households, especially of the poorest.

This serious economic imbalance directly influences the sustained increase in poverty levels of the population, which increased from 48% of households in 2014, to 73% in 2015, 81.8% in 2016, until reaching 87 % of the total Venezuelan households in 2017 “...an accelerated growth in just 4 years, mainly due to the fall in income as a result of the economic crisis.” In addition, the serious shortage of medicines and food constitute a Complex Humanitarian Emergency.

- » In the country's political and institutional sphere, from 2012 to 2013, an increasing substitution of the existing institutionality has been shaped by the progressive assembly of a parallel State, very distant from that established in the Constitution of the Bolivarian Republic of Venezuela.

This cluster of actions, completely detached from the Constitution, set a systematic policy of violation to the constitutional order that led Provea and other human rights organisations to describe the current Venezuelan government as a “Dictatorship.” In the midst of this scenario, there was an intense practice of social and political protests that, spurred by the institutional deterioration and the aggravation of the socio-economic situation briefly described, has promoted the public demonstrations in the country, until reaching 6,729 in the period April- July 2017, equivalent to 56 daily protests, with

Chart No. 4
Venezuela
Protest motivations
Oct. 2004 – Sep.2010

Period	Economic, Social and Cultural Rights demands	Civil and Political Rights demands
2004/2005	1147	325
2005/2006	1104	344
2006/2007	1063	488
2007/2008	1334	411
2008/2009	1947	932
2009/2010	2591	686

Source: Espacio Público and PROVEA's database

an unfortunate number of 143 deaths in the context of demonstrations and 5,300 people arrested, out of whom about 3,500 are still being processed in freedom under filing regime and approximately 1,000 of them are imprisoned, according to the Venezuelan Criminal Forum.

From the set of repressive practices of the current government, the design and execution of the Zamora Plan should be highlighted as of April 2017, particularly because of the explicit incorporation of civilians in the repression of demonstrators. This reinforced the provisions of the Decree of Emergency and Economic Emergency of the bodies of the People's Power in guaranteeing the security of the state and endorses what has been expressed by President Maduro since 2014 on the role of these instances of "the People's Power" "...in the defense of the nation."

In fact, the participation of civilians in security and defense work resulted in paramilitary civilian groups openly moving through areas of street protests to perform armed ac-

tions, which, according to relatives and demonstrators, were expressed in a significant number of people killed by such actions.

Proposals to promote and defend the right to public demonstration today in Venezuela

The set of proposals presented below are based on three (3) central considerations:

- » The location in the current Venezuelan context with its restrictions and possibilities, in order to establish feasibility criteria for the proposals formulated.
- » The incorporation of our experience on the promotion and defence of the right to manifestation and other human rights that have been effective in initiatives and purposes.
- » The need to have a body of strategies on behalf of the national movement of human rights defenders to act with certain degrees of alignment and coordination in order to achieve a greater impact on the actions.

Context elements of the promoter action

In the national context, several elements that require responses from human rights NGOs predominate. On the one hand, the Humanitarian Emergency with its requirement of urgency and action to guarantee survival; on the other hand, the metastasis of the Rule of Law with its dictatorial drift, which demands actions in defence of civil and political rights and mass mobilisation of the population, and the increase of military and paramilitary repression in the midst of a severe military fracture, which demands a speech and an assertive message to members of the FANB about their role and responsibilities in this crisis.

Proposals to face the Humanitarian Emergency with a human rights perspective

A Complex Humanitarian Emergency is characterised by the massification of the basic affectations to the health and life of the population, in a context of serious lack of resources of all kinds to attend, contain and revert them. Even if the main responsible for the affectations is the State itself, which should guarantee and propitiate the generation of the goods and services required by constitutional mandate and thus prevent such affectations from occurring. In this sense, the confrontation of the Humanitarian Emergency cannot ignore the decisive role of the State in overcoming it. Therefore, it is proposed that human rights NGOs consider alternatives for action such as the following:

- » Refine criteria and methodologies to combine the solidarity actions toward the confrontation of the Humanitarian Emergency with the strategies of enforceability of rights, which requires establishing how.

From the Resilience approach, it is possible to raise the levels of awareness of the affected populations by promoting reflection on causes and consequences of the affectations and those responsible. Then, build the relevant and viable action proposals in each local, regional or sectorial context with relevant groups of affected people and/or their families.

- » Size the magnitude, characteristics and consequences of the multiple impacts to the human rights implicit in this emergency situation, establishing in which phase of the emergency we are, what are the implicit risks and the measures that must be adopted to alleviate, contain or reverse the identified situation charts, determining the roles of different instances of international cooperation, of the State bodies with competence in each case, of the family members and of the persons affected. In particular, in the defence of their human rights through varied repertoires of the “Creative Protest”.
- » The starring of those affected, and to the extent of the possibilities of the same people and their families, in public activities demanding their rights can become a “therapeutic” public action, especially when meeting people in similar situations and with the individual and collective willingness to assert themselves as citizens, beyond being obvious “victims”.
- » Promote the establishment associations for relatives of the victims of

the repression exerted in the 2014 and 2017 protest cycles, supported and accompanied by human rights NGOs and the country's psychology and social sciences professionals. Under the foundation and the multiple Latin American experience of mobilising family members who demand justice for the memory of their relatives, sustain the struggle for justice and against impunity at the most intense level possible as an emblem of the defence of human rights with the participation of affected individuals, who guarantee the steadiness in the pursuit of restorative justice.

- » Link groups of artists and creators in general to design and implement at several forms of creative protest that can raise awareness, move and stimulate the identification of diverse groups of the population with situations that affect those who suffer the Humanitarian Emergency. In this way, they can contribute to “break the siege” that the communicational hegemony of the government is imposing among specific groups of the population. Also, identify and select audiences to which promote such creative protests, to progressively join them to sensitise, motivate and mobilise other groups of the population. The most general purpose would be to create a local, regional or national reference of a growing repertoire of diverse, different and motivating protests that are inspired by formats, stimuli and inputs from the arts and creativity of the subjects that design and share them.

Proposals to combine the demand of social rights with political rights under social and culturally unitary platforms

One of the fundamental requirements to increase the incidence in the promotion and defence of human rights is the articulation of actions in pursuit of respect for both types of rights, both for what it implies in a combination of demands (salary, compliance with the collective contract, the products of the Local Committee for Supply and Production ‘CLAP’ and access to medicines) with the vision and the political requirement of respect for the right to citizen participation, justice and social comptroller of the State actions. It is about promoting rights among groups of the population to achieve an increase in their understanding level of the origins and ways of exercising them, so that they are self-perceived as a “Subject of Rights” rather than a “Subject of Need,” which paternally demands a clientelist attention of the State through a government party..

- » Set and promote an articulated Agenda of Determined Objectives that allow to combine the defence of specific affected populations with a local, regional or national Minimum Plan, integrating a diversity of sectors equally affected by the devastation of the Humanitarian Emergency associated with the hyperinflation within the context of the severe metastasis of the rule of law that affects almost the entire population. The initial promotion of this articulated Agenda of Specific Objectives is proposed to be promoted by the National Movement of Human Rights Defenders with vi-

sible faces and an assertive and encouraging public presence.

- » Promote, at the local, regional or national level, the progressive constitution of “Platform for the defence of Human Rights” that allow the interests, motivations and aspirations of a diversity of social, economic and cultural sectors to be integrated into a minimum program of shared action. The progressive conformation of these instances requires the initial promotion by actors with credibility and respect among the different social subjects, all affected by the humanitarian emergency and the metastasis of the State apparatus. In this sense, human rights NGOs can play a promotional role, especially in the initial phases, until the same dynamic of the interrelation of the subjects generates the leadership of such processes.
- » Incorporate into such “Platforms” (with the most appropriate denomination that the group of subjects that initially constitute them considers) members of sectors of the so-called “critical Chavism” -preferably militants of grassroots organisations or social leaders- and heterogeneous social groups in its social constitution -popular groups of neighborhood communities that demand services with associations of middle class sectors that equally advocate for equal basic services. The aim is to integrate social, political and cultural diversities into unitary platforms that allow the reintegration of “social fabrics” fractured with the political polarisation encouraged by power, articulated on the basis of shared needs and aspi-

rations and common identities under construction.

- » Consider in the integration of such “Platforms” the participation of partisan actors with which coincidences in the defence of human rights are identified, being able to be state or national MPs, local or regional leaders, base party leaders in popular or middle class sector communities. The aim is to begin to re-establish the lost dialogue between dissimilar social and political sectors, in order to identify common coincidences and aspirations.

Proposals for the defence of the Rule of Law and democratic freedoms

A purpose as global as this one - “defence of the Rule of Law and democratic freedoms” - will only be able to anchor among different groups of the population insofar as it is possible to articulate specific demands for civil and political rights -campaigns for the defence of suffrage, public demonstration or access to justice- with the defence of social rights, such as wage increases, price freezes, reduction of military spending and increase in social spending, etc. Such proposals can be possible in the Human Rights Defence Platforms and in the articulated Agendas of determined Objectives, on which reference has been made before.

On the Role of Human Rights Defenders in the promotion of proposals for the defence of the right to public demonstration

Campaigns for the defence of human rights require faces, trajectories, initiatives, prestige, narratives. In the national movement of defenders, there are such attributes

and characteristics. Given the obvious lack of promotion, credibility and confidence in a motivating and inspiring leadership, it is proposed that, from this movement that has been building in recent years, it is widely and intensely reflected on the roles and functions that, at the local, regional or national level, can be assumed to stimulate, help and inspire the development of articulated local, regional and national movements that achieve greater impacts and incidence in the defence of the human rights of the population.



Diktator 3000

Durante el año 2017 Provea realizó diferentes esfuerzos para comunicar contenido sobre democracia y derechos humanos a diferentes audiencias, utilizando diversidad de lenguajes. Promovimos el uso del comic, difundido en redes sociales y en una publicación impresa, llamada “Comics por la democracia”, de la que la siguiente pieza es un ejemplo.

Para consultar el resto de los comics divulgados, visitar www.derechos.org.ve



¡Hebilla para poner escudo de la nación!

MADE IN CHINA

¡Sincretismo ideológico religioso!

¡Versiones sport, traje típico, y soldado de la paz!

NO/NEVER BEATER

¡Incluye botón para desactivar la Constitución y dice un millón de frases populistas!

PAPI QUIERO UNO!
¡NO, MIJO!

HUBO UNA ÉPOCA EN QUE LOS DICTADORES LATINOAMERICANOS LLEGABAN AL PODER POR MEDIO DE GOLPES MILITARES O ERAN ASIGNADOS POR JUNTAS PARA "ASEGURAR" LA ESTABILIDAD DE UN PAÍS.

RAFAEL TRUJILLO,
DICTADOR
DE REPÚBLICA
DOMINICANA ENTRE
1930 Y 1961.



AUGUSTO PINOCHET,
DICTADOR DE CHILE
ENTRE 1973
Y 1990.



JORGE RAFAEL VIDELA,
DICTADOR DE
ARGENTINA ENTRE
1976 Y 1981.



MARCOS PÉREZ JIMÉNEZ
DICTADOR DE
VENEZUELA ENTRE
1952 Y 1958.



ERA FÁCIL RECONOCER SUS CARACTERÍSTICAS DE DICTADORES MILITARES, PUES ERAN MUY "ABIERTOS" EN SUS OPINIONES Y SE VEÍAN, LITERALMENTE, COMO DICTADORES.

"DÍOS MANDA
EN EL CIELO
Y TRUJILLO
EN REPÚBLICA
DOMINICANA."



"YO NO CONOZCO
ESO DE LOS
DERECHOS
HUMANOS,
¿QUÉ ES ESÓ?"



"NUESTRO
OBJETIVO ERA
DISCIPLINAR A
UNA SOCIEDAD
ANARQUIZADA."



"DE NADA NOS
SERVE UN PUEBLO
ENTERAMENTE
LIBRE PERO
PLAGADO DE
MALES."



LAS DICTADURAS APRENDEN Y SE SOFISTICAN EN SUS MÉTODOS... SURGEN DICTADURAS "MODERNAS", QUE SE DIFRAZAN DE DEMOCRACIAS.

MÓDELO DE DICTADOR 2000:
ESPECIAL FUJIMORI.

- ARREBATTA FUNCIONES AL PARLAMENTO.
- MORDAZA A MEDIOS DE COMUNICACION.

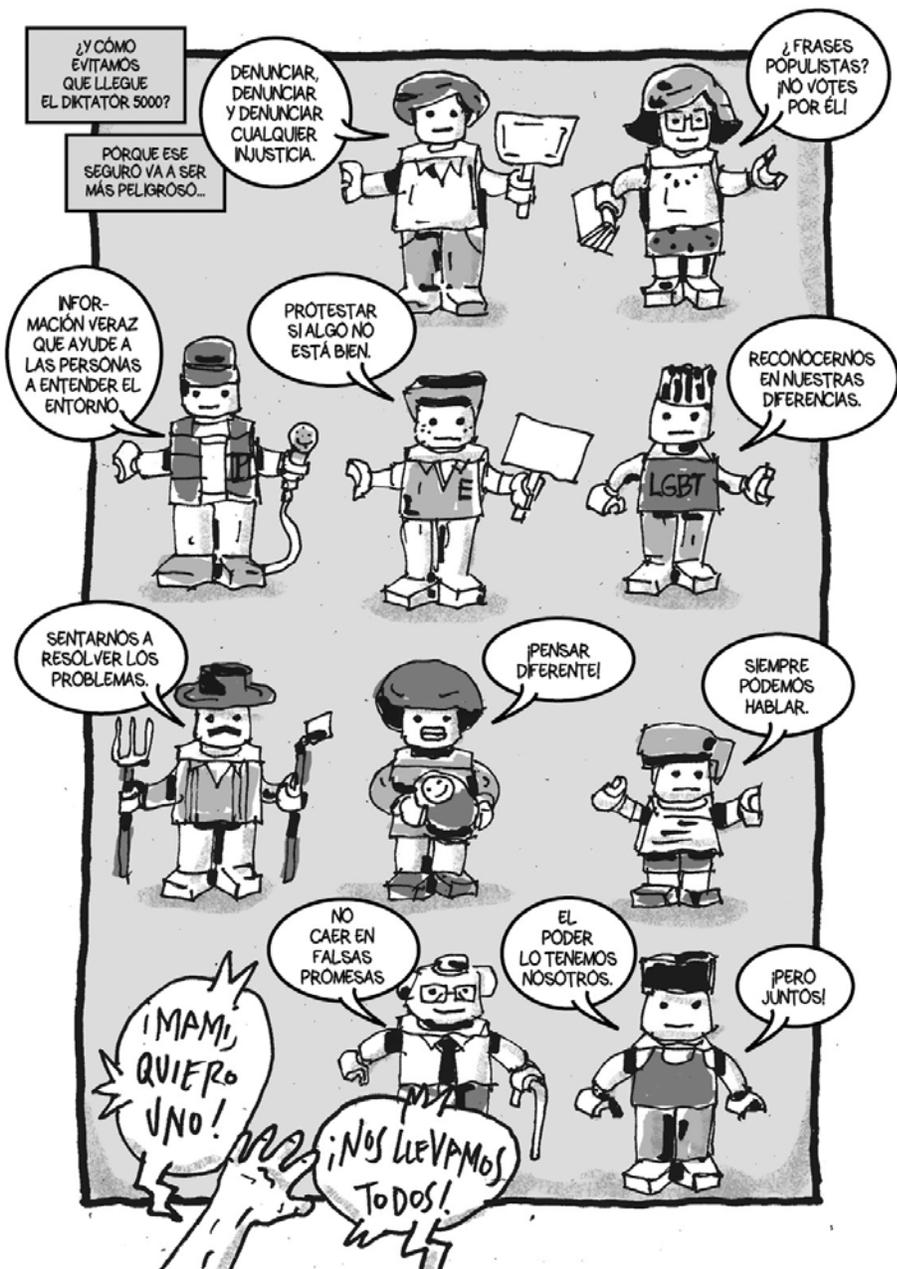
UN HITO DE ESTAS DICTADURAS FUE LA LLEGADA DE ALBERTO FUJIMORI A LA PRESIDENCIA DE PERÚ.

LA PRIMERA GRAN DIFERENCIA CON EL PASADO FUE QUE FUJIMORI FUE ELECTO.



- PODER HIPERPRESIDENCIALISTA.
- CONTROL DE SISTEMA DE JUSTICIA.
- RAYO DESINTEGRADOR DE DISIDENCIA.
- HACE ELECCIONES SÓLO CUANDO LAS VA A GANAR.







Desde 1988 luchando
por los derechos sociales
y contra la impunidad

